

# THE SEWANEE REVIEW.

VOL. IX.]

APRIL, 1901.

[No. 2.]

## JOHN MARSHALL, SOUTHERN FEDERALIST.

THE recent celebration throughout the country of the one hundredth anniversary of John Marshall's induction into the office of Chief Justice of the Supreme Court has directed fresh attention to the career of a statesman whose impress on our national history is only surpassed in its importance by that of George Washington himself. It was Marshall, indeed, who took up the work laid down by Washington, and, by a long series of masterly decisions, converted the American constitution into a living instrument for carrying out those far-reaching conceptions of federal government which had been thrust upon most thinking men during the critical period of our early existence. By a strange coincidence it was a third Virginian, Thomas Jefferson, whose elevation to the presidency, March 4, 1801, was the signal for a vigorous onslaught upon many of the cherished ideals of the early federalists. And to the questions provoked by the fierce party struggle of 1800, and debated for many years thereafter, may in large measure be ascribed most of those cases relating to the interpretation of the constitution with which will forever be associated the name of Marshall. It would be a grave mistake, however, to remember this good and noble man only as the jurist who for more than a third of a century expounded from the bench the written instrument the people of a new republic had adopted as their fundamental law. Twenty-six years before his appointment by President John Adams, January 20, 1801,<sup>1</sup> to the post he adorned for

<sup>1</sup>The honor of having first suggested the observance of "John Marshall Day," February 4, 1901, is to be ascribed to Adolph Moses, Esq., of the Chicago Bar, and editor of the *Corporation Reporter*.

so long a period of time, he began the career which closed only with his death at the advanced age of eighty years. It was this long preparation as soldier, lawyer, statesman, and diplomat—a preparation involving experiences rarely encountered by public men nowadays—that so eminently fitted his mind for the task confronting it when, at the age of forty-five, he came to the new city of Washington to begin his work as Chief Justice. Other men there may have been whom President Adams might just as well have chosen, but the more one reflects on John Marshall's career the more persuaded does one become of the wisdom of the selection then made; for Marshall was a man with a mission. That he realized this fact to the utmost extent, and devoted his massive faculties to the faithful discharge of all the duties such a mission involved, is a truth stamped upon every page of his biography.

John Marshall, son of Thomas and Mary Marshall, was born in the village of Germantown,<sup>1</sup> Fauquier County, Va., September 24, 1755. He was the eldest of fifteen children, and passed the early years of his life at Oak Hill, the home built by his father, a man of strong intellect, a lover of books, and to whom Marshall always attributed his fondness for learning. To the influence of his mother, whose maiden name was Mary Randolph Keith, daughter of Rev. James Keith, an Episcopal clergyman of Tuckahoe, on James River, Marshall was indebted for that deep religious nature which was so prominent a feature of his character. The early environment of the lad was highly favorable to his physical and moral development, but the sparsely populated community where he passed his boyhood days can scarcely be said to have been conducive to intellectual vigor. Fauquier County, a century and a half ago, was situated in a remote section of the country. Lying in the Blue Ridge region of Northern Virginia, its picturesque hills and valleys

---

<sup>1</sup>Germantown, Marshall's birthplace, is now called Midland. It is a station on the Virginia Midland (now Southern) Railway, not far from Manassas.

were inhabited by a sturdy, independent, industrious folk. At the same time "The Hollow,"<sup>1</sup> as the section in which young Marshall lived was called, contained no schools, its roads were bad, no newspapers were published in the neighborhood, and the social conditions were altogether different from those prevailing in the fashionable, opulent, planter communities of the tidewater section of the province. But what if the isolation of the people was such that the gentle sex employed thorns to serve as pins, and balm tea and mush were considered delicacies in the average home? Were not these facts well calculated to foster a true American spirit, and to prevent the spread of many of those traditions which Jefferson found so unfavorable to the growth of his own portion of the State? The environment of Marshall, the lad, was therefore calculated to mold him into a man of rare gentleness and sincerity and strength—a man, indeed, in whose tall person, genial face, and freedom from ostentation were incarnated the principles of American democracy. To marry law and freedom was the work of his life.

The early training he received for his life's work was of the most meager description from the ordinary view of education, and strangely out of proportion to the magnitude of his subsequent achievements.<sup>2</sup> His father, as has already been intimated, was his first teacher. He knew how to impart to his son a taste for literature, a fondness for poetry and romance which Marshall retained until his end. Indeed, we are told that by the time the boy had reached his twelfth year he had copied all of Pope's "Essay on Man," and committed to memory many of that author's productions. At fourteen we find him a student at an academy in Westmoreland County, where Washington had been a pupil. With Marshall there was studying another boy with a great future before him, James Monroe, founder of our foreign policy. Unlike the youth of the dominant aristocracy, Marshall did not go to college, but after a short sojourn in

---

<sup>1</sup> Judge Aldrich, *Boston Herald*, February 5, 1901.

<sup>2</sup> Richard Olney, *Ibid.*

Westmoreland his education was supplemented by a Scotch teacher, who taught him Latin. At the age of eighteen his education, such as it was, had been completed so far as books were concerned, and the young man began seriously to look to the future. That he should study law was the most natural thing in the world. It was the age of lawyers. In England Blackstone was publishing his celebrated lectures, and on both sides of the Atlantic the profession had been liberalized vastly. Even in New England the legal profession was destroying the ascendancy so long maintained by the clergy, whilst the augmenting warmth of the dispute between the colonies and Parliament had everywhere given an impetus to the investigation of constitutional questions. In the South, moreover, the law at that time, and for a number of subsequent years, offered almost the only opportunity to the young man of ambition, especially if he looked forward to a political career. True to the spirit of the age, and no less true to the promptings of an instinct rarely wrong, John Marshall turned naturally to the law. Born lawyer that he was, however, he had scarcely opened his books before the long-gathering storm burst with full fury upon the country. And it was not Patrick Henry's fiery eloquence alone that swept him into the struggle, but the step was taken after the most careful deliberation. After it had been taken there was no looking back.

It was in May, 1775, shortly after the battle of Lexington, and when he was not yet twenty, that Marshall set out from his father's house to walk ten miles to a muster, and to inform the militia there assembled of his determination to cast in his lot with that of the patriots.<sup>1</sup> His appearance at this time is described with great particularity. Six feet in height, straight and inclined to be slender, the black hair and dark eyes proclaimed his Celtic extraction, while a plain blue hunting shirt and trousers of rough material, fringed with

---

<sup>1</sup> Marshall's father early entered the American army, and subsequently rose to the rank of colonel. He served with conspicuous gallantry at Germantown, Brandywine, and Monmouth. After the war he removed to Kentucky.



white, a round black hat ornamented with a bucktail cockade, bespoke the pioneer, the hardy yeoman, the type that was destined to cut the apron strings that menaced the colonial mind of the coast and to win for the human race the American empire. It is beside our purpose to trace minutely the six years' career of Marshall the soldier. Entering a company which at once elected him lieutenant, his regiment was made up of volunteers from Culpeper, Orange, and Fauquier Counties. In 1777 his regiment of militia entered Washington's continental army and Marshall was promoted to a captaincy. He saw service at Brandywine, Germantown, Monmouth, and other points. He also shared the awful privations of Valley Forge. It was while in Pennsylvania that Washington appointed him Assistant Judge Advocate and he was frequently employed in the settlement of various army disputes. Such, however, was not only the beginning of his labors as judge, but his contact with Washington ripened into an intimacy which bore much fruit. Washington confided in him more and more, and on the death of Washington Marshall was intrusted by his family with the duty of writing his biography.<sup>1</sup>

Lieut. Philip Slaughter, who was with Marshall at this time, wrote of him as follows:

He was the best-tempered man I ever knew, and during our sufferings at Valley Forge nothing discouraged, nothing disturbed him. If he had only bread to eat, it was just as well; if only meat, it made no difference. If any of the officers murmured at their deprivations, he would shame them by good-natured raillery, or encourage them by his own exuberance of spirits.<sup>2</sup>

Marshall's military experience was, in many respects, a university training for him. It not only removed him from his backwoods Virginia home and broadened his vision by contact with educated persons; but to meet men from vari-

---

<sup>1</sup>The heavy five volumes of Marshall's "Washington," are rarely read nowadays, but they contain a mine of material. His long Introduction was subsequently published as a separate work on the English colonies in America. Both works were translated into several languages.

<sup>2</sup>Justice Mitchell's Address, *Public Ledger* (Philadelphia), February 5, 1901.

ous parts of the country, to discuss the questions of the day, to fight for a cause all brave men had at heart, and to be trusted by Washington, constituted a training which could scarcely fail to influence an ardent, affectionate, sincere young soul. In Marshall it worked a transformation. As he himself is said to have declared, he entered the army "a Virginian; he left it an American." A weak government like that which existed under the Articles of Confederation possessed no charms for the young officer who in hunger and rags, on the desolate hills of Pennsylvania, had tasted the bitter fruit of separation, and there can be no doubt that Marshall's lifelong convictions respecting the scope of the constitution were almost entirely due to his recognition of the failure of the loose government of Congress during the war.

It was shortly before his withdrawal from the army, in 1781, and while endeavoring to raise a new regiment, that he attended the only lectures he ever heard. These constituted the law course given by Chancellor Wythe at William and Mary College, Williamsburg, toward the end of 1780. The ensuing year Marshall was admitted to the bar, and, having resigned his commission in the army, began the practice of his chosen profession in Fauquier County. The opportunities for litigation were innumerable, for a great war, followed by a change of government, had been accompanied by many social and economic changes; and out of a chaotic state of things American jurisprudence was to be created. Of all the commonwealths of the Union, moreover, Virginia was by far the best adapted, by reason of its judicial and political system, to train Marshall for his future career. Fortune smiled on him, moreover, from the start, and on January 3, 1783, he was married to a young Virginian girl, Mary Willis Ambler, whose father, Jacqueline Ambler, was treasurer of the State. Of this long and happy union, which was terminated by the death<sup>1</sup> of Mrs. Marshall nearly half a century

---

<sup>1</sup> Both Marshall and his wife are buried in Old Shockhoe Hill Cemetery, Virginia, and their graves are side by side. Marshall wrote the short in-

later, there are countless descriptions written by Binney, Rawle, and others of his eulogists. Meanwhile he had entered public life in 1782 by becoming a member of the State Legislature from Fauquier County, and such was the confidence he inspired that he was reëlected to the position two years later. It was now that his lucrative practice caused him to remove to Richmond, whose bar at that time was perhaps the foremost in the country. Such was Marshall's talents, however, that he soon became a leader there, and in spite of his wishes we find him elected in 1786, and in succeeding years, until 1792, to the State Legislature from Henrico County. He also became a member of the Virginia Council of State and brigadier general in the militia, and this latter title was often given him even after he became Chief Justice.

It would be too much to claim that Marshall accomplished a great deal during his ten years' membership in the Legislature of Virginia. The State was far from being a wealthy one at that time, and the opportunities for statesmanship were not frequent. It must be remembered, moreover, that, despite his frequent appearance in public life, Marshall never sought office. Indeed, few men declined more unsought honors. At the same time Virginia's influence was then well-nigh supreme, and he was enabled to meet all the leading men of the period. And in those days of slow communication and crude journalism, personal acquaintance meant everything. What most puzzles the average student of this portion of Marshall's life, however, is to account for the manner in which he mastered legal principles.<sup>1</sup> As we have seen already, his early education was imperfect. In a busy, active, political life how did he contrive to overcome the drawbacks of his youth? Granted that he was not a learned jurist in the strict meaning of the term, and that his

---

scription on his wife's tomb which concludes with these words: "This stone is devoted to her memory by him who best knew her worth and most deplores her loss." (*Baltimore Sun*, February 4, 1901.)

<sup>1</sup>Wayne MacVeagh's address. (*The Post* and the *Evening Star* (Washington), February 5 and 4, 1901.)

decisions are often barren of precedents and citations, there can be no question that as a common law judge he ranks with Mansfield and Holt, and that in the field of constitutional law his luminous decisions have never been approached. To his native hard common sense, to the prophetic insight of a statesman trained in the heroic school of nation-builders, and to a mind singularly receptive to legal concepts John Marshall added a strong, wiry constitution which only his country breeding could have given him. And we may ascribe to these facts his success at the Richmond bar, his influence as Virginian legislator, and, indeed, his extraordinary eventful career from beginning to end, to say nothing of the moral strength which comes to one conscious of a trust, and no less conscious of his power to execute it.

Marshall's greatest achievement in these early years, however, was neither at the bar nor as a member of the Virginian Legislature, but as delegate to the Constitutional Convention which met at Richmond June 2, 1788, and remained in session for almost a month. This commonwealth was then the stronghold of the State Rights party, and the spirit of separation was most pronounced. At the same time the friends of the constitution recognized that without the vote of Virginia ratification was doomed. Both parties, therefore, struggled fiercely for the mastery, and sent their best men to the convention, which included among its members such names as those of James Madison, James Monroe, Patrick Henry, George Wythe, John Blair, George Mason, Benjamin Harrison, Edmund Randolph, and Paul Carrington. Marshall threw himself on the side of the federalists, and it was due largely to his and Madison's convincing arguments that the convention finally ratified the constitution. Carried by the very small majority of ten votes, the result was hailed as a victory, and made the new government possible. His replies in the convention to the objections of Henry, Mason, and others exhibit the firm grasp of the meaning of the constitution which he subsequently displayed on a far wider field, and show him also as the friend and upholder of democ-



racy, convinced that the constitution would prove its best safeguard.

The supporters of the constitution [he said in reply to some question from Henry] claim the title of being firm friends of the liberty and rights of mankind.<sup>1</sup> They say that they consider it as the best means of protecting liberty. We, sir, idolize democracy. Those who oppose it have bestowed eulogiums on monarchy. We prefer this system to any monarchy, because we are convinced that it has a greater tendency to secure our liberty and promote our happiness. We admire it because we think it a well-regulated democracy. . . . There are in this State, and in every State of the Union, many who are decided enemies of the Union. Reflect on the probable conduct of such men. What will they do? They will bring amendments which are local in their nature, and which they know will not be accepted. What security have we that the other States will not do the same? We are told that many in the States were violently opposed to it. They are more mindful of local interests. They will never prefer such amendments as they think would be attained. Disunion will be their object. This will be attained by the proposal of innumerable amendments.

Marshall subsequently declared that the people's affection was the best support of government. He was especially happy in his explanation of the taxing power of the new government, and repeatedly depicted the incapacity of the existing system of administration. Most of all was he at home, however, when the contest reached the point regarding the judiciary. George Mason had urged that to authorize the federal government to erect new courts would have a tendency to weaken the influence of the State tribunals. To these arguments Marshall made an extended reply, including the following language:

*Mr. Chairman:* This part of the plan before us is a great improvement on that system from which we are now departing. Here are tribunals appointed for the decision of controversies which were before either not at all, or were improperly provided for. That many benefits will result from this to the members of the collective society, every one confesses. Unless its organization be defective, and so constructed as to injure instead of accommodating the convenience of the people, it merits our approbation. After such a candid and fair discussion by the gentlemen who support it—after the very able manner in which they have investigated and examined it—I conceive it would be no longer considered as so very defective, and that those who opposed it would be convinced of the impropriety of some of their objections. Gentlemen have gone on the idea that the federal courts will not determine the causes which may come before them with the

<sup>1</sup>3 Elliott's Debates, 222.

same fairness and impartiality with which other courts decide. What are the reasons of this supposition? Do they draw them from the manner in which the judges are chosen, or the tenure of their office? What is it that makes us trust our judges? Their independence in office and manner of appointment. Are not the judges of the federal courts chosen with as much wisdom as the judges of the State governments? Are they not equally, if not more independent? If so, shall we not conclude that they will decide with equal impartiality and candor? If there be as much wisdom and knowledge in the United States as in a particular State, shall we conclude that the wisdom and knowledge will not be equally exercised in the selection of judges?<sup>1</sup>

After having shown the benefits of the judiciary, Marshall unfolded the various other advantages of the constitution. He dwelt at considerable length on the subject of the militia. Economy and industry, he said, are essential to America's happiness; but "the present government will not add to our industry. Indeed," he added, "it takes away the incitements to industry by rendering property insecure and unprotected. It is the paper on your table that will promote and encourage industry."<sup>2</sup>

As stated already, Marshall remained in the Legislature until 1792, with a reputation vastly enhanced by reason of his display of learning in the Constitutional Convention. The next three years are devoted to his lucrative practice. In 1795, we find him, against his inclinations, once more in the State Assembly. Honors now come thick and fast. Washington offers him the vacant attorney-generalship, which he declines; and on the recall of Monroe from France he is tendered the ministry to that writhing country, but he will not accept it. Meanwhile the countrymen of Lafayette become more overbearing, and go so far as to refuse to receive Charles Cotesworth Pinckney, the Minister accredited to them by our government, and we find that John Marshall, Charles Cotesworth Pinckney, and Francis Dana were appointed special envoys to France to bring about a better understanding between the two countries. Dana having declined the honor, Elbridge Gerry, a New England democrat, was sent in his place as an offset to the two

---

<sup>1</sup> 3 Elliott's Debates, 552. <sup>2</sup> Ibid., 231.

Southern federalists. As all the world knows, this "X, Y, Z" mission, as it was called because of the blackmailing anonymous letters sent the American Commission by Talleyrand and other representatives, failed utterly; but Marshall's dignified correspondence with the French politicians added greatly to the prestige of America, and on his return home he met with the most cordial reception.<sup>1</sup> His fame was now national. Meanwhile to the trip abroad may be assigned that knowledge of "world politics" and profound mastery of international law for which Marshall was famous. Indeed, he decided as many international law cases as cases in the field of constitutional law. He had already displayed his diplomatic knowledge by advocating, in 1795, the adoption of Jay's treaty, which, bad as it unquestionably was, established the principle that the executive may enter into a commercial convention. Visiting Europe, moreover, at a time when the struggle between the ideas of the French Revolution and those of the Middle Ages was threatening the peace of the entire world, he became doubtless more conservative than ever, and perhaps even more distrustful of the Jacobin tendencies of Jefferson. At all events, the impressions made on him by European affairs influenced him in no small degree, as is evident from three letters written to George Washington. Writing from The Hague, September 15, 1797, he says:

By the ships of war which met us we were three times visited, and the conduct of those who come on board was such as would proceed from general orders to pursue a system calculated to conciliate America.<sup>2</sup> Whether this be occasioned by a sense of justice and the obligations of good faith, or solely by the hopes that the perfect contrast which it exhibits to the conduct of France may excite keener sensations at that conduct, its effects on our commerce are the same.

Later on he reaches Paris, and writes to Washington from that city a letter under date of October 24, 1797. In this communication he expresses grave doubts about the recep-

---

<sup>1</sup> Pinckney's toast, "Millions for defense, but not a cent for tribute," became the rallying cry of the federalists.

<sup>2</sup> *American Historical Review*, Vol. II., pp. 294, 295.

tion of the envoys.<sup>1</sup> They had already begun to prepare to leave for home. He complains bitterly of the French depredations, and declares that

The captures of her vessels seem to be limited only by the ability to capture. That ability is increasing, as the government has let out to hardy adventurers the national frigates. Among those who plunder us, who are most active in this infamous business, and most loud in vociferating criminalities equally absurd and untrue, are some unprincipled apostates who were born in America. These sea rovers by a variety of means seem to have acquired great influence in the government. This influence will be exerted to prevent any accommodation between the United States and France, to prevent any regulations which may intercept the passage of the spoils they have made on our commerce, to their pockets. The government, I believe, is but too well-disposed to promote their views. At present it seems to me to be radically hostile to our country. . . . Might I be permitted to hazard an opinion, it would be that the Atlantic only can save us, and that no consideration will be sufficiently powerful to check the extremities to which the temper of this government will carry it, but an apprehension that we may be thrown into the arms of Britain.

The tortuous negotiations drag their length slowly along until early spring, when the disgraceful plans of the French government become too patent for further concealment.<sup>2</sup>

Before this reaches you, [writes Marshall] it will be known in America that scarcely a hope remains of accommodating, on principles consistent with justice, or even with the independence of our country, the differences subsisting between France and the United States. Our Ministers are not yet, and it is known to all that they will not be, recognized without a previous stipulation on their part that they will accede to the demands of France. It is well known that these demands are for money, to be used in the prosecution of the present war. It was, some little time past, expected that, convinced of the impracticability of effecting the objects of their mission, our Ministers were about to demand their passports and to return to the United States; but this determination, if ever made, is, I am persuaded, suspended, if not entirely relinquished. The report has been made that, so soon as it shall be known that they will not add a loan to the mass of American property already in the hands of this government, they will be ordered out of France and a nominal as well as actual war will be commenced against the United States. My opinion has always been that this depends on the state of the war with England. To that object the public attention is very much turned, and it is perhaps justly believed that on its issue is staked the independence of Europe and America.

<sup>1</sup>*American Historical Review*, pp. 302, 303.

<sup>2</sup>Letter of Marshall to Washington, dated Paris, March 8, 1798. *American Historical Review*, Vol. II., pp. 303, 304.



Subsequent events proved that Marshall's keen eyes had penetrated only too well the thin disguise with which the French government sought to conceal its duplicity. And when at last the American people realized that a state of war existed *de facto* if not *de jure*, a reaction occurred in favor of the federalists; alien and sedition laws were forgotten, and so also were the Virginia and Kentucky Resolutions. Acting, so it is said, on the suggestion of Washington, Marshall became a candidate for a seat in Congress, and in 1799 was triumphantly elected, notwithstanding the formidable opposition of Jefferson's party. Political excitement was great, and not even Washington was spared the most vehement denunciation.

Congress met at Philadelphia December 2, 1799. Marshall's first act was formally to announce to that body the death of the "Father of His Country." Before his election to Congress Marshall had been tendered a seat on the supreme bench, which he declined to accept. Virginia at this time had eleven representatives in Congress, and from all parts of the country came men of the greatest ability to participate in the discussion of those vital questions which were ushered in with the new century. Marshall was soon recognized as one of the greatest expounders of the constitution, and, although never looked upon as an orator, he rarely failed to attract attention whenever he addressed the House. He was especially distinguished, during his brief experience as Congressman, for his clear elucidation of that threefold division of government into its legislative, judicial, and executive functions which must ever remain among America's most permanent contributions to the science of administration. This grasp of fundamental principles is especially noticeable in his celebrated speech on the case of Jonathan Robbins. Accused of murder committed on board an English ship, Robbins had escaped to the United States, and at the request of the British authorities President Adams had surrendered the fugitive. Marshall's speech was mainly instrumental in establishing the principle that the act was an executive and not a judi-

cial one.<sup>1</sup> In the same Congress Marshall also showed the necessity of a strong standing army and displayed an unusual knowledge of the principles of international law. His independent attitude, moreover, caused him to favor the repeal of the more obnoxious portions of the alien and sedition laws, and he took this position notwithstanding the contrary opinion of President Adams and the bulk of the Federal party. His worth was recognized, however, and the President not only tendered him a seat on the supreme bench, which Marshall refused to accept, but on May 13, 1800, appointed him Secretary of State. This position Marshall accepted, and he retained it until after Jefferson's inauguration, discharging the duties of the office even after his elevation to the bench.

It was in January, 1801, that Adams appointed Marshall to the chief justiceship, a position he assumed on February 4, following. Years afterwards Adams declared that he looked upon this appointment as "the proudest act of his life." When at the age of forty-five Marshall was installed in the office which he graced until his death, at Philadelphia, July 6, 1835, he had already earned a reputation that would have made him a striking figure on the stage of American politics. But for more than a third of a century later, and long after most of his contemporaries had entered into rest, he was destined to pursue his stately way, unmindful of popular clamor, oblivious of factional abuse and personal diatribe, a connecting link between the fading traditions of the past and the nascent glories of the future. Is it too much to claim that to this statesman-jurist we owe the fact that our constitution became something more than even its framers hoped it would become? Was it his breath that vitalized the dry bones of our fundamental law and transformed them into a living organism?

To appreciate in some measure Marshall's services on the bench, one should contrast the Supreme Court when he began his career as judge with the same tribunal when he

---

<sup>1</sup> *Annals of Congress*, Vol. X., pp. 596-618.

quitted the scene on his death. Created by the constitution and organized by the Judiciary Act of September 24, 1789, this body was a novel institution in the history of mankind. Composed of one chief justice and several associates whose number by subsequent legislation has been increased to eight, the enormous power of this court has attracted the attention of such foreigners as de Tocqueville, Bryce, and Freeman, and at various times it has aroused the mistaken hostility of many Americans. Appointed for life by the President, and confirmed by the Senate, the judges of the Supreme Court enjoy the greatest freedom imaginable. At the same time the constitution has defined its jurisdiction in clear terms. What has most excited the interest of transatlantic critics and even incurred the adverse criticism of those at home, who should know better, is the power conferred on the Supreme Court to declare unconstitutional any State or Federal measure which conflicts with the supreme, fundamental law of the land. But this arises necessarily from the fact that our constitution is a written instrument established for the government of a republic of republics. To interpret such a document and to interpose the veto of the people, whenever their representatives, in State or National assembly, exceed their authority, is the only means by which to safeguard popular freedom. Behold, therefore, the Supreme Court, an institution designed to watch over the interests of popular sovereignty, to preserve the relations between the States and the Nation, and to keep within their proper bounds the various departments of the government. Hence the folly of maintaining that the Supreme Court overrides all other branches of the government, for, after all, it represents only a coördinate department and is itself subject to the constitution. But it is more independent than any other court in history.

Some idea of the work of this court may be gained by an examination of the following table illustrative of the nature of the cases involving points of constitutional law which Marshall and his associates were called upon to decide:

- I. Legislative Powers Conferred on Congress.
- II. The Houses of Congress.
- III. The Executive Power and the Mode of Its Exercise.
- IV. The Judicial Power.
- V. Public Acts, including Records and Judicial Proceedings.
- VI. Fugitives from Justice, and Persons Bound to Service.
- VI. Territory and Public Property of the United States.
- VII. *Ex Post Facto* Laws.
- VIII. Direct Taxes.
- IX. Laws Impairing Obligations of Contracts.
- X. Retrospective Laws.
- XI. Insolvency and Bankrupt Laws.
- XII. Imposition of Duties. Foreign and Interstate Commerce.
- XIII. Laws of States Which Are or Are Not in Conflict with a Treaty or Law of the United States or in Derogation of Some Provision of the Federal Constitution.
- XIV. Laws of the Several States in Reference to Their Constitutions.
- XV. Powers of States Not Controlled by the Constitution, Treaties, or Laws of the United States.
- XVI. Bills of Credit.

The difference between a written constitution and one that is unwritten is thus obvious. One may also perceive why the Supreme Court of the United States may declare even an act of Congress inoperative, while no such test can be applied to parliamentary enactments. It was Marshall who developed this principle.<sup>1</sup> We say that he developed this principle not only in view of his vast number of decisions, but also because of the slight importance his predecessors appear to have attached to the office. John Jay, the first chief justice, saw no impropriety in accepting the mission to England, and embroiling himself in the turmoil growing out of the treaty which bears his name. Indeed, he resigned the justiceship eventually to become Governor of New York, a step no Federal chief justice would now dream of taking. John Rutledge, of South Carolina, who was nominated to succeed Jay, had so vehemently opposed Jay's treaty that a Federal Senate refused to confirm the appointment, and when the name of William Cushing, of Massachusetts, then associate justice of the United States Supreme Court, was sent in, it was at once confirmed by the Senate, but he preferred the position he then enjoyed to

<sup>1</sup> Senator Lodge, in *North American Review*, February, 1901, pp. 191-194.



that of chief justice, and declined to accept. Finally Oliver Ellsworth, of Connecticut, was duly appointed chief justice, who retained the position until his resignation, late in 1800, while visiting Europe. It was the vacancy thus caused that resulted in Marshall's appointment.

When Marshall became chief justice the Supreme Court was scarcely a dozen years old, and in that period it had decided less than a hundred cases, comparatively few of which were on constitutional law. They might all have been included in an ordinary-sized volume. It is well to remember, however, several facts connected with our history at that time. In the first place, the Federal party was in full control of the government, and Washington's enormous influence was on its side. It required, therefore, some mighty political upheaval, like that of 1800, to test the principles of the written constitution and call forth the judicial exegesis which rendered Marshall so famous. Nor should it be forgotten that the inhabitants of the country were then few in point of numbers, that they were busily repairing fortunes blasted by a long and desolating war, that intercommunication was slow and expensive, and that the age of political organization had not yet arrived. The judgments rendered by the Supreme Court while he was chief justice fill more than thirty volumes, and in most of these Marshall rendered a decision.<sup>1</sup> But it would be an error to fancy that even the majority of these cases involved points of constitutional law. A host of them arose out of the ordinary jurisdiction conferred upon the Federal courts, including questions relating to the law of nations, a prolific source of litigation during the troublous years of the Napoleonic epoch, and, in point of fact, only about fifty-one cases were decided in the field of constitutional law. But the decisions of thirty-four of these cases Marshall himself prepared in that luminous, logical style for which he is so justly celebrated, and it is said that in one case only did he find him-

---

<sup>1</sup> Justice Story, in 1839, published a work entitled "The Writings of John Marshall, late Chief Justice of the United States," which contains his interpretations of the constitution.

self in a minority. It is impossible to enumerate these landmarks in the history of our jurisprudence, but a brief mention of some of these cases may go far toward illustrating Marshall's genius as interpreter of a written instrument. It may also serve another purpose—namely, that of portraying the manner in which there was imparted to that instrument a unity and elasticity approaching that of an unwritten constitution.

One of the greatest cases brought before Marshall was that entitled "*Marbury vs. Madison*,"<sup>1</sup> which was decided in 1803, more than two years after his elevation to the bench. The position he then took, and ever afterwards consistently maintained, increased the feeling of hostility between himself and Jefferson. The facts in the case are simple enough. William Marbury, Robert T. Hooe, Dennis Ramsay, and William Harper had been appointed by President Adams justices of the peace for the District of Columbia, under an act of Congress dividing the District into two counties, and conferring original jurisdiction on the Supreme Court in certain cases. Marbury accordingly applied to the Supreme Court for a writ of *mandamus* to compel James Madison, then Secretary of State, to issue the commission to which he was entitled. In rendering his decision in the case Marshall laid down the principle that Congress had no power to confer original jurisdiction on the Supreme Court, a tribunal established by the constitution, and that any act of Congress repugnant to the constitution is not law. It is scarcely too much to say that this decision not only raised the judiciary of the nation to its proper rank, but established the principle that the constitution of the United States is the supreme law of the land. In other words, it was Marshall's view in *Marbury vs. Madison* that demonstrated the fact that the fundamental law of this country is the work of the people themselves, that their agents or representatives cannot alter it, and that the umpire to decide such disputes is the Supreme Court.

---

<sup>1</sup> 1 Cranch, 137.

Marbury vs. Madison was followed shortly afterwards by several other cases of scarcely less magnitude in importance. Without reference either to chronology or subject, these may now briefly be mentioned. In *Fletcher vs. Peck*<sup>1</sup> it was held that the Supreme Court may pronounce an act of a State Legislature void when it is in conflict with the federal constitution. At the February term, 1812, in *New Jersey vs. Wilson*,<sup>2</sup> came a formal decision to the effect that a Legislative act passed in consideration of a release of title by the Indians, declaring that certain lands which should be purchased by the Indians should be free from taxation, constituted a contract, which could not be rescinded by a subsequent legislative act. That is to say, a repealing act made under the circumstances just indicated was void under that clause of the federal constitution which prohibits a State from passing any law impairing the obligation of a contract. The same doctrine was elaborately reiterated in 1819, when Marshall handed down his decision in the celebrated case of the *Trustees of Dartmouth College vs. Woodward*,<sup>3</sup> which has safeguarded corporate rights and vested interests generally during more than one period of social reaction. Compendiously stated, the facts in this case are as follows: The English king, during the colonial epoch, had granted a charter to Dartmouth's trustees and conferred upon them certain franchises. These the Legislature of New Hampshire subsequently altered, but the Supreme Court declared that the charter of a private corporation is a contract between it and the State, and therefore protected by that clause of the constitution which inhibits a commonwealth from passing any law impairing the obligation of a contract. It was in this decision that Marshall gave his classic definition of a corporation. He called it an invisible, intangible being existing only in contemplation of law. From the point of view of those interested in tracing the historical development of our written constitution those decisions of Marshall which pertain to the relations between the States and the Nation are

---

<sup>1</sup>6 Cranch, 87. <sup>2</sup>7 Cranch, 164. <sup>3</sup>4 Wheaton, 518.

naturally the most attractive. Of these several have already been mentioned. Two or three others will now be briefly indicated, and of these the most important, perhaps, is that of the *United States vs. Peters*, wherein was formulated the doctrine that the judgments of the federal courts are protected from State interference; *Cohens vs. Virginia* decided that cases involving "federal questions" may be brought to the Supreme Court from the tribunals of highest appellate jurisdiction in the States, while *Sturges vs. Crowninshield* authoritatively prohibited a State from passing insolvent statutes releasing debts incurred prior to its enactment. To these one may add *Wilson vs. Mason*,<sup>1</sup> wherein it was held that a compact between two States cannot infringe upon the constitutional rights of Congress.

One of Marshall's most historic decisions was that rendered in the great case of *McCulloch vs. Maryland*.<sup>2</sup> It was a distinct victory for the federalists, for it not only declared the constitutionality of the act creating the Bank of the United States,<sup>3</sup> but it also did much to curtail the power of State Legislatures. Had a State possessed the right to tax a fiscal agent of the national government, as Maryland virtually attempted in imposing such a tax on the branch of the bank, the constitution would, indeed, have been "a rope of sand." Already, in the *United States vs. Fisher*,<sup>4</sup> it had been held that the right to make all laws necessary and proper to carry into execution the powers granted Congress confers on that body a choice of means and does not confine it to what is indispensably necessary.

Before dismissing the subject of the great struggle over the subject of the bank, attention may be drawn to the decision rendered in *Osborn vs. United States Bank*.<sup>5</sup> Here Marshall declared that the charter of the bank authorized it to sue in any circuit court of the United States, and that a State law im-

---

<sup>1</sup> 1 Cranch, 45.

<sup>2</sup> 4 Wheaton, 316.

<sup>3</sup> 3 Stat. at Large, 266.

<sup>4</sup> 2 Cranch, 258.

<sup>5</sup> 9 Wheaton, 738.



posing a tax on one of the branches of the bank was unconstitutional and void.

Viewed from one point, the cases which grew out of Georgia's treatment of the Cherokees occasioned more popular excitement than any referred to the Supreme Court while Marshall was its presiding genius. Not only was the status of the Indian tribes fixed in the two cases of the Cherokee Nation vs. Georgia<sup>1</sup> and Worcester vs. Georgia,<sup>2</sup> but the dependence of the aborigines upon the government at Washington was definitely laid down. Scarcely less interesting is the second of these cases. Just now it has peculiar significance, as it sets forth, in clearest terms, the rights of missionaries. At the time of the arrest and imprisonment of Worcester and others, who had gone to preach the gospel to the Cherokees, both the secular and religious press contained long accounts of the extraordinary conduct of the Georgia authorities, particularly that of some officers of the militia. Georgia's defiant attitude in these cases, and President Jackson's lukewarm support of the court, contributed much to the growth of the Nullification party in South Carolina. But notwithstanding the passionate outburst of opposition to the court, Marshall was unmoved. It is extremely unfortunate that the tariff act did not pass under his review.

Before finishing this incomplete review of some of Marshall's leading cases on constitutional law it may not be out of place to refer to a case in a field which has since been developed by the growth of railways and other inventions of an industrial age which was just dawning when Marshall finished his labors. We refer to those questions which have arisen out of the clause of the constitution that confers upon Congress the power to regulate foreign and interstate commerce. In the important case of Gibbons vs. Ogden,<sup>3</sup> decided by the Supreme Court more than seventy-five years ago, Marshall construed this power and in reviewing a statute passed by the Legislature of New York giving to Fulton and others exclusive rights over the Hudson river, he held

---

<sup>1</sup> 5 Peters, 1.   <sup>2</sup> 6 Peters, 515.   <sup>3</sup> 6 Wheaton, 448.

that the right to control commerce includes the power to regulate navigation, and does not stop at the external boundaries of a State. This power, he added, does not comprehend commerce which is completely internal. A somewhat similar doctrine was enunciated in the subsequent case of *Brown vs. Maryland*.<sup>1</sup> The State of Maryland having enacted a law requiring importers to pay a license before they could sell a package of imported goods, it was held that the statute not only contravened the provisions of the constitution which prohibited the States from imposing duties on importations, but also the clause giving Congress control over interstate commerce. It must not be assumed, however, that Marshall approached these questions lightly. In *Ogden vs. Saunders*,<sup>2</sup> where an act of the Legislature of New York was pronounced unconstitutional, he solemnly declared, "this Court has so often expressed the sentiments of profound and respectful reverence," with which it approaches such questions that it is now unnecessary to do so again.

One case more, and we have finished this portion of our paper. It was *Owings vs. Speedwell*,<sup>3</sup> which authoritatively determined that the present constitution did not go into effect, or rather commence to operate, until the first Wednesday in March, 1789.

The space at our command will not permit us to follow Marshall into Virginia and North Carolina, where he so often went, while Supreme Court Justice, to try causes on the circuits and where so many anecdotes<sup>4</sup> illustrative of his character still linger in the traditions of the people. One case he tried at Richmond must, of course, forever remain a part of our national history. His lack of confidence in Jefferson had almost caused him to cast his vote for Aaron Burr in 1800, when the election of President devolved upon Congress, but he was fortunately dissuaded from this false step. Nevertheless, when Burr was indicted for treason in 1807,

---

<sup>1</sup> 12 Wheaton, 419.

<sup>2</sup> *Ibid.*, 213.

<sup>3</sup> 5 Wheaton, 420.

<sup>4</sup> *Niles's Register*, 55-117.

and Marshall presided at the trial, his Federal bias—the accused having meanwhile joined Marshall's party—added to the irritation produced on his mind by Jefferson's undignified course toward Burr, caused Marshall to lean strongly toward the adventurer. At the same time few will now doubt that his doctrine of the crime of treason is the only one that can be extracted from the clause of the constitution<sup>1</sup> defining that offense. Marshall's efforts, however, to subpoena Jefferson, the President, and compel his appearance in court, were wholly unwarranted and, in view of his wonderful common sense, well-nigh unintelligible. It is an incident no admirer of the "great chief justice" wishes to remember.

In concluding this very imperfect sketch of one of the greatest figures that has appeared in our history, a figure which has never received proper attention from those who have narrated the birth and growth of the American republic, something should be said of his career as a man. Of his beautiful domestic life mention has already been made. A passing allusion has also been made to his deep religious convictions, and Bishop Meade has recorded Marshall's regular attendance at Church whether he was in the country or at Richmond. Thanks to the brushes of Inman, Saint Mém-in, Sully, Harding, and others, not to mention the statue of Story in front of the capitol at Washington, we have also preserved for us in enduring form the features of the chief justice.<sup>2</sup>

From all available descriptions, Marshall, in personal appearance, was tall and thin, his movements slow and deliberate, and in his later years he stooped somewhat. Wirt thought his manners far removed from those extolled by Chesterfield, but Randolph had a different impression and is reported to have said that "the manner of Marshall is perfect

---

<sup>1</sup> Art. III., Sec. 3.

<sup>2</sup> Of these portraits, Inman's belongs to the Philadelphia bar; that of Saint Mém-in, to a descendant of Marshall who resides in Baltimore; while Sully's hangs in the Corcoran Gallery at Washington. Other paintings are in Richmond and Boston. James M. Barnard, Esq., of Milton, Mass., last winter generously sent copies of the first to all the law schools in the United States.

good breeding." All accounts agree in depicting him as a man of unusual simplicity, free from affectation of all kinds, and possessed of those genial, sweet-tempered qualities of mind and heart which form the basis of true courtesy. And it was these rare and gracious attributes that endeared him to his neighbors and inspired confidence and affection even among those who differed from him politically. One who saw much of him in the winter of 1822-23, when Marshall was verging on three score and ten, has left this pen picture of his manners and appearance:

To me his manners seemed to be, indeed, perfect; they were full of refinement and courtesy, but it was the refinement which sprang from and indicated the absolute absence of everything like vulgarity of taste, feeling, or thought; and his courtesy was the natural expression, equally unrestrained and unaffected, of his gentleness and benevolence. He wore upon his face a perpetual smile, but it was the farthest possible thing from a simper. . . . To his dress he was utterly inattentive. His garments were old and old-fashioned, of coarser material than was then commonly worn, and hung loosely about him. No one could forget his coat, large enough for a man twice his size, with vast pockets in the skirts, in which he could stuff quantities of papers, without infrequently a law book in each.<sup>1</sup>

Although Marshall's opinions aroused frequent opposition, few ever questioned his integrity. Some politicians asserted that when the chief justice decided the case of *McCulloch vs. Maryland* he owned stock in the bank; but it was soon demonstrated, to all who had lent willing ears to so false a statement, that the seventeen shares that had once been in Marshall's name were for the benefit of some wards of his, and that the stock had been disposed of, with careful foresight, long before the chief justice heard arguments in the case. Ever careful to abstain from political controversy, he was occasionally drawn into the newspaper disputes of that period. But he never shrank from expressing his opinions, even on political topics, when he thought it his duty to do so, or evaded those civic obligations from which no one is free.

It was this sensibility to the duties of a citizen which caused him, in his old age, to become a member of the convention of 1829 which brought about the revolution in the constitu-

---

<sup>1</sup> *American Law Review*, Vol. I., pp. 434, 435.



tion of Virginia. While not unmindful of the need of reform in some directions, he threw the weight of his enormous influence against those efforts at innovation that were directed against the independence of the judiciary. He was opposed to a political judgeship. In a speech delivered before the convention December 11, 1829, he has given us his own conceptions of the duties of a judge in these words:

He has to pass between the government and the man whom the government is prosecuting, between the most powerful individual in the community and the poorest and most unpopular. It is of the last importance that, in the exercise of these duties, he should observe the utmost fairness. The judicial department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not to the last degree important that he should be rendered properly and completely independent, with nothing to influence or control him but God and his conscience? You do not allow a man to perform the duties of a jurymen or a judge if he has one dollar of interest in the matter to be decided, and will you allow a judge to give a decision when his office may depend upon it, when his decisions may offend a powerful and influential man?<sup>1</sup>

In the same convention Marshall also spoke in favor of the compromise by which it was sought to reconcile the conflicting interests of those counties where slaves were numerous with those where they were few in number.<sup>2</sup> Curiously enough, the same question that had caused so many disputes between the North and the South in the federal convention—namely, that of the representation of the slaves—arose in more than one Southern State!

His conservative tendencies again crop out in two letters, written at about this time. The first of these was written from Richmond, January 1, 1828, and it is addressed to Alexander Smith at Washington. It grew out of the discussion provoked by the unfortunate incidents connected with the presidential election, and Marshall expresses himself regarding certain arguments which had been urged against the reeligibility of the President, concluding by saying: "Though not very fond of experiments, I should be disposed to try the effect of confining the chief magistrate to a single term."<sup>3</sup>

<sup>1</sup> 37 Niles's Register, pp. 302, 303.

<sup>2</sup> Ibid., 289, 290.

<sup>3</sup> 35 Niles's Register, 315.

The other letter just referred to is one written February 22, 1835, to Elliott Carson, who had extended him an invitation to attend a meeting of the Young Men's Colonization Society of Pennsylvania. Unable to attend, Marshall expresses his regrets, and at the same time indicates his opinion, not only of Mr. Carson's Society, but also of the rising spirit of the abolition movement. The space at our command will not admit of the reproduction of the entire letter, but the following excerpt will serve to illustrate the feelings of Marshall, himself a slaveholder, on a question then ever assuming graver aspects. Referring to the Colonization Society, he says: "I look with interest at the effective measures they have taken, and are taking, to accomplish an object which ought to be dear to every American born, and particularly so to our fellow-citizens of the South. I hope their judicious zeal will go far in counteracting the malignant effects of the insane fanaticism of all those who defeat all practicable good, by the pursuit of an unattainable object."<sup>1</sup>

Before finishing with the subject of Marshall's political views while chief justice, one more allusion ought to be made to his opinion of the groundless charges brought against John Quincy Adams and Henry Clay, and immortalized by John Randolph's accusation of a corrupt bargain between "puritan and blackleg." In a communication written the *Richmond Whig*,<sup>2</sup> March 29, 1828, he explains that his position had caused him to abstain from any public comments on the election. He then denies certain statements attributed to him, but admits having said in private that "though I had not voted since the establishment of the general ticket system, and had believed that I never should vote during its continuance, I might probably depart from my resolution in this instance, for the strong sense I felt of the injustice of the charge of corruption against the President and Secretary of State."

On Marshall's death, at Philadelphia, while visiting that city in search of health, his remains were sent to Richmond

---

<sup>1</sup>48 Niles's Register, 162.    <sup>2</sup>34 Niles's Register, 108.

in charge of a committee of the bar consisting of John Sergeant, Richard Peters, E. D. Ingraham, and Wm. Rawle. Gen. Winfield Scott, of the army, accompanied the funeral party, while public meetings all over the country gave expression to the universal sorrow occasioned by his demise. Here and there, amid the chorus of eulogy, came a discordant note. But even in one of the most jarring of these—namely, that which appeared in the *New York Evening Post*—there was added to the joy expressed, “that he is at length removed from that station,” the gentle words “at the same time we entertain a proper sentiment for the death of a good and exemplary man.”<sup>1</sup> In spite of contemporary hostility, however, posterity has sustained the verdict of Justice Story, Marshall’s Republican associate on the bench for almost a quarter of a century, who on the death of the chief justice exclaimed: “I confess myself unable to find language sufficiently expressive of my admiration and reverence of his transcendent genius.”<sup>2</sup>

B. J. RAMAGE.

---

<sup>1</sup>48 Niles’s Register, 341.   <sup>2</sup>49 Niles’s Register, 171.

## THE RISE OF GREEK DRAMA.

PLATO is strongly inclined to the opinion of his Egyptian Thamos—as against the more sanguine inventor Theuth—that the invention and introduction of letters must enfeeble the memory, not strengthen it (Plato, *Phædrus*, pp. 274 E-275 A.). And the art of printing certainly has tended in a dangerous degree to close our ears, to restrict our eyes to these ignoble type blots, and, in general, to bar the noblest avenues of approach to the royal gate where the imagination should sit enthroned. Our poems are not now first heard as chanted to the harper's measures, nor even with the sweetness of the human voice added to the "singer's" rhymes. The confusion between the traditional phrase and actual present habit is grotesquely evident in the very stanza of Longfellow here alluded to:

Then *read* from the cherished *volume*  
The poem of thy choice,  
And lend to the rhyme of the poet  
The beauty of thy voice.

A Greek who loved poetry could recite whole *Iliads* and *Odysseys* from memory without unrolling the "cherished volume." Our instrumental music itself can be bought, and even read silently, in the printed roll; the history of architecture may be studied without world-wide travel, without once raising our eyes from the student's desk; Brunn and Baumeister often save us even the easy walk to the museum of casts.

These may all be reckoned as gains, yet certainly they must be counted at the embers of loss. Language lives only upon the lip of breathing man. Expression, gesture, movement are the evidences of life. Here also the letter indeed killeth. With all thankfulness to the art of the scribe, which could alone preserve for us the last dying echo of epic and tragedy, we must try to put that art and its records half aside, while we turn toward the beginnings of dramatic poetry.

If the late laureate had composed his "Crossing the



Bar" words and music together, and both had been heard only in Westminster as the poet's outworn frame passed to its rest, if the "Recessional" were a memory for those present at the Jubilee, and for them only; if, in general, verse and music, and oratory as well, were absolutely restricted and inseparably bound to the occasion that gave them life—then much that is precious might perish, if the genius of Mrs. Siddons or Edwin Booth, of Burke or Patrick Henry may truly be said to have perished already; but would not the imagination and memory, at least of the happy few, be in part the richer? Is it not, after all, an uncanny thought that phonograph and kinetoscope, or their glorified successors, may yet learn to transmit our player's, our orator's—nay, our lover's—voice and step and smile to a critical posterity? At any rate, safe from all their devices, lies far away in the past

"The glory that was Greece,  
And the grandeur that was Rome."

If, even for a single generation, the whole people of a city could gather once a year to hear grand opera and the best dramas, for a series of days, it might give an Attic stimulus to every noble art, and so perpetuate itself in truly living form for posterity. For such annual festivals the Attic Three, and their worthy rivals, prepared their masterpieces.

The purely individual utterance in song, to which we most naturally attach the name of *lyric*, has but a very brief though brilliant bloom in the accepted literature of early Hellas. Of its three great names, Sappho and Alkaios shine together amid a folk where strong national action seems to have been thwarted by the all too passionate and aggressive freedom of the individual. The third, Anacreon, is, with partial justice, the very synonym for sensual indulgence at the cost of all higher life.

Much longer and prouder is the recorded history of choral poetry, the mother of drama. Indeed, the first word in the story of Hellenic self-utterance is perhaps *chorós*; but "dancing-place," or "dancing-band," is a most inadequate

translation. The rhythmic unison of instinctive bodily movement, voice, and harp may still be seen in children, doubtless in savages as well. The Homeric man was both child and savage, with the artist nature of his posterity not wholly dormant within him, besides.

We can hardly detach from the very oldest form of the great Trojan lay Achilles's cry at the instant of triumph (*Iliad*, XXII., 391-394):

Now let us sing our pæan of victory, sons of Achaïans,  
While to the ships we march, and with us carry the body.  
Great is the fame we have won: we have slain the illustrious Hector,  
Him who like to a god was adored in the town by the Trojans.

We seem to hear the clash of spear and shield in the very dactyls, and we are forcibly reminded of the dance, or light-stepping march in armor, represented occasionally in works of plastic art. Here, of course, there was nothing merely mimetic, or consciously artistic. Step and gesture, even song and music, were the instant need of the jubilant warriors. No god is mentioned, but the name of the chant shows that already it had its due religious associations. Such beginnings of choral lyric seem to lie deep in the instincts of semi-savage man, centuries back of the age that could create or enjoy an epic. Perhaps it is in the soldier's march that the need of rhythmic chant, and of music also, is first felt.

A different pæan is sung by Odysseus and his twenty men when they have brought Chryses's daughter, the innocent occasion for a whole *Iliad* of woes, safely back to her home. A faultless hecatomb is offered at the altar of Apollo, whose priest has been so grievously insulted. Chryses prays that the curse of heaven be lifted, and his prayer is heard. The merry feast is spread, and then (*Iliad*, I., 472-474):

All that day with song were they soothing the wrath of Apollo,  
Singing to him their beautiful pæan, the sons of Achaïans,  
Chanting the Archer: and he, as he heard, in spirit exulted.

The altar, be it noticed, is close at hand, though it is not expressly said that the singers were grouped around it.

Of peaceful life the *Iliad* rarely gives us even a glimpse. The chief exception is the series of vivid scenes upon Achil-

les's shield. Of the marriage song, as the brides are led home by the light of blazing torches, we get but a passing mention (XVIII., 493). A somewhat fuller sketch occurs soon after, where we find the youths and maidens marching together (Iliad, XVIII., 568 ff.):

Bearing in woven baskets the honeyed fruit of the vineyard,  
While on a mellow viol a boy was playing among them,  
Tenderly singing with delicate voice of beautiful Linos,  
Meantime, tapping the ground together, followed the others,  
Joining in song, in the doleful cry, and the rhythm of footsteps.

Here we have apparently already a choragus, or skilled leader of the dancers, though all join in his song. The lament for departing summer, personified in Linos as elsewhere in Adonis, adds but the minor chord of sadness to heighten the joys of youth and of vintage time. Dionysos is not yet thought of, it seems.

A little later, in the same description of the shield (Iliad, XVIII., 590 ff.) occurs still another dance:

There was a chorus wrought by the glorious craftsman Hephaistos,  
Like unto that which Daidalos once, in Knossos the spacious,  
Skillfully trained for the sake of the beautiful-tressed Ariadne.  
Blooming youths therein, and maids much courted, were dancing,  
Each of them holding fast at the wrist to the hands of the other.  
Lovely garlands the maidens wore, but the youths were accoutered  
Each with a golden sword that hung from a baldric of silver.

It is important to note that this scene, alone of all upon the shield, is avowedly copied by the poet—speaking as if for the artist—from the Dorian island of Crete, that it is pretty clearly mimetic, almost dramatic, in character, and, thirdly, that the original was “wrought by Daidalos for fair-tressed Ariadne.” That is to say, the choral performance is already an artistic task, elaborated to gratify a princess, by the most illustrious, however mythical he may be, of prehistoric craftsmen. It is also worthy of remark that the brief description adds for us only two figures of the dance. The performers glide in a circle, as a potter whirls his wheel, or, again, are seen approaching each other in opposing lines. Whether this is typical of peace and war (as in Virgil, *Æneid*, Book V., vss. 585–587), or has some remoter meaning, we are forcibly reminded of the far later drama,

wherein the chorus encircles the Dionysiac altar in the orchestra, or occasionally divides into opposing forces, taking part with the struggling characters of the tragedy itself.

Though considered a late edition to the *Iliad*, the Shield passage is imitated in a Hesiodic poem, probably too in a Cyclic epic (Kinkel, p. 33, lines 11, 12), and so is centuries older than Æschylos. We may repeat once for all that we have no better single word to replace *dance*, which is, however, absurdly inadequate in such association, unless indeed we help it out by subconsciousness of the war dance, death dance, marriage dance, etc., that may play such vital parts in savage life. Music, poetry, and dancing in all probability arise together as the utterance of the elemental passions, hate and craving for strife, grief in bereavement and joy in possession.

Other passages could be cited from the Homeric epics, as from any early poet. The choral performance in the service of the gods begins with our first glimpses of the Hellenic race, and is not quite extinct even at the present day in Ægean lands. The first definite local reference is, as we have just seen, to a Dorian island. Some dramatic tendencies appear from the very beginning. To step outside the Bacchic worship for a moment, the birth and rescue of Zeus was "danced" out in Crete, the victory of Apollo over the Python was represented at Delphi, doubtless here again without actors in the Attic sense. These cults, and above all the symbolic ceremonies at Eleusis, are examples of more or less realistic and dramatic action, doubtless centuries older than Thespis. Indeed, such familiar passages as the account of amusements at the Xenophontic Banquet show the lasting popularity of these mimetic performances. Greeks and barbarians, even, seemed to find in pantomime, with musical accompaniment, almost a common language, as in *Anabasis* VI., 1. But we shall stray too far afield in attempting to illustrate what is really as universal and instinctive as love or war.

It would not have been surprising, then, if drama had arisen, as an independent form of serious art, in connection



with such a cult as that of Apollo at Delphi, or with the Eleusinian mysteries of Demeter and Persephone. Indeed, something quite like rudimentary drama had long existed, as we have seen, both in the oracular seat that was like a second home to Pindar, and in the Attic sanctuary in whose shadows Æschylos's childhood was passed. It may be more than a mere coincidence that Bacchus was, in each of these two religious centers, a most familiar guest, sharing the rights of the temple and the oracle; though my own belief is that the Iacchos Zagreus, whose tragic death and resurrection were fitly associated with the mysteries of Persephone, or Apollo's brother Dionysos, who controlled during all winter months the Pythian shrine itself, is but a remote namesake of Bacchus the Releaser, who was a merry lord of misrule for Attic rustics in Marathonian villages. In either of those places—Delphi or Eleusis—we might confidently have looked to see drama assume from the first something of that austere decorum and religious seriousness popularly accredited to the Attic reality. I discuss such an imaginary origin of tragedy here expressly to emphasize the very different cradle and early environment which it really found.

Dionysos, the divinity out of whose service of song drama actually arose, is conspicuous in Homer by his absence—notably from the vineyard scene on Achilles's shield. It was remarked by ancient students that the glorious wine that lays Polyphemos low is the gift not of Dionysos or his votary, but of *Apollo's* priest. Of the four passing allusions to Bacchus in *Iliad* or *Odyssey*, two put him in an ignoble light, none associates him with the vine or with the general life of nature, and only a single phrase, "a delight unto mortals"—if not an interpolation—foreshadows at all his later popularity. Readers of Herodotus will recall that chronicler's thinly veiled abhorrence of the wild excesses committed in the name of this young Oriental interloper among the Olympians, who were themselves never too grave or decorous. About him gathered the satyrs and mænads, the centaurs and sileni, with all the other fastastic shapes that

symbolize the ruder forces of nature. Indeed, while especially associated with the vine and wine, Dionysos represents all the vital reproductive powers. The general character of his cult is very familiarly known from numberless ancient works of art. Especially striking are the Mænads, or maddened women worshipers of Dionysos, with their flying drapery and hair, brandished thyrsus, etc. They often appear even swinging mutilated animals in their wild dance.

Of course many of our vase paintings representing such scenes are avowedly mythical. It has been questioned whether the decorous seclusion of women in historical Greece made any such orgies possible. But we must remember that the masculine share in the Bacchic worship was hardly less remote from ordinary life, at least among the really civilized clans of central Hellas. And it is quite possible for a whole people to relapse into comparative savagery for a recurring traditional festival. Even the grave Romans gave free rein to the Saturnalia. It is difficult to suppose that Sophocles, for instance, is merely recalling a remote legendary association of Bacchic worship with Parnassos, when the chorus in *Antigone* cries to Dionysos:

Above the double-crested cliffs the torches  
Lurid upon thee gleam,  
Where many a nymph Corycian as a Bacchant marches  
Beside Castalia's stream.

That Attica, like Dorian lands, was comparatively decorous, even in its excesses, may be conceded. Naturally Dionysos's special song of praise, the dithyramb, was tumultuous. Its very name comes to us first, most fitly, from the lips of that lawless vagabond, free lance in life and in art, Archilochos.

When my soul with wine is smitten, in lord Dionysos's praise  
Then the dithyramb's sweet song full masterfully I can raise.

It was most natural, too, that the human worshipers should disguise themselves as goatlike satyrs, and attempt to act out in pantomime one of the many picturesque adventures of the god.

The minstrel Arion, who lived into the sixth century B.C.,

and is best known for his unique ride upon the music-loving dolphin, is credited with the perfecting of the dithyramb as a work of art. Much of its uproarious character it must always have retained. As Æschylos says:

'Tis fit that mixed with shouting be  
The dithyrambos, Dionysos's comrade;  
Apollo's is the measured pæan and the modest muse.

This latter testimony is most important, for our word *tragedy* is in numberless ways misleading. We should speak, as to the sixth century, rather of *drama*; for comedy proper, though it has become for our minds the inevitable antithesis of tragedy, was a distinctly later growth, and there must have been little indeed of gloom in any feature of Dionysos's festivals, at least down to Æschylos's day. Yet Arion is often reckoned among the first composers of "tragedy." This name itself is of unknown antiquity, and means nothing loftier than "goat-song," which may remind us how unfit a capering crew of mummers, in shaggy skins and horned masks, would be for any really grave performance. The wilder music of the pipes, themselves of Phrygian origin, was always associated with Bacchus, as the lyre with Apollo.

It appears that Pisistratos, the wise tyrant of Athens, invited Thespis to remove his "tragic" performances from the village Icaria, on the eastern coast of Attica, to the capital. Thespis at Icaria was a mere amuser of rustics. Here doubtless he made his famous invention of the first actor, really a "responder" or interlocutor, who, in the intervals of the song, conversed with the leader of the Bacchic chorus. Thespis is also credited with the invention of linen masks. The first rude stage for the actor, and a hut or tent as his dressing-room, may have been developed at this time too. But on the one hand we hear distinctly of a "block or table, on which even before Thespis some one mounted and conversed with the choristers;" and, on the other hand, the existence of any stage at all, even in the fifth century, is a question now hotly debated. This one actor might take several characters in succession, with some change of costume.

A story told by Plutarch in his life of Solon would set the dramatic beginnings of Thespis as early as 560 B.C., since Solon died just after that time; but there is no express statement that they were then already held in the city of Athens. Solon might easily make the journey to the eastern side of Attica, and Plutarch says distinctly, "Though the performance was drawing the attention of many, it was not yet made a regular contention for victory." This latter step, and perhaps also the removal to Athens, occurred about 535 B.C. The dramas, like the dithyramb itself, were still performed annually at the great spring festival of Bacchos, when the joy over the reawakening of nature was heightened by the recent opening of the last year's wine.

It is necessary, however, to keep clearly in mind that the Athenians of the fifth century had two distinct and important spring festivals of Dionysos. The *Anthesteria* occupied three days at the beginning of March, the first day being called "Jar-opening," the second the "pourings." This second day was "polluted," says Photios, and the spirits of earlier men were abroad. Various mystical rites, like the secret betrothal of the King Archon's wife with Dionysos, indicate that this festival has in part a more serious or esoteric character.

But dramas were not performed at that time. They arose in the closest connection with the "Great Dionysia," celebrated about a month later. There we hear only of relaxation and merriment. Debtors and prisoners were released to make the rejoicing universal. Athens was thronged with allies and guests. Of mysticism and allegorical solemnities we hear no word. All drank and made merry. The chorus of satyrs was the very center of all this merriment. Everything indicates that this festival merely continued the simple rustic tradition.

"Tragos" is just "billy goat," and was applied, half in derision, to the semi-human yet goatlike satyrs. The real analogy to "tragoedia" lies only too close at hand in our "coon song." *Mutatis mutandis*, the "interlocutor" of Thespis, has his counterpart in the leader of our "nigger



minstrels." Even the smearing of the faces as a disguise is expressly mentioned before the invention of masks. The Dionysiac chorus, then, is merely a circle of rollicking good fellows and good singers, interspersing their music with rough banter. Thespis, according to Plutarch's story mentioned above, played the parts as actor himself. Solon reproached him for "uttering such falsehoods before the public," and the actor's defense is that "it is harmless—in sport." Hardly the lofty tone of true tragedy, this!

Whether it was Thespis who first represented myths outside the Dionysiac circle, we do not know. This bold license of the poets was so hotly resented by the conservative folk that for centuries afterwards the familiar idiom in complaining of all irrelevant digression anywhere from the proper subject was: "What has that to do *with Dionysos?*" Since the youthful god would naturally appear, if at all, at the head of his own revelers as leader of the chorus, his disappearance probably included the suppression of the satyrs altogether, for that occasion, to make room for some form of chorus more easily fitted into the new plot.

But, at any rate, the people were not resigned to the loss of their grotesque favorites. Imagine the children of London deprived of Pantaloon and Columbine in their Christmas pantomime! We know not when, but at an early date a compromise was effected. Three plays, often, perhaps usually, connected organically, were offered by each of the three contestants, and might be based upon any mythical themes; but a fourth must fit itself as it could to an old-fashioned "goat" chorus. This satyr-play, as a separate form, is especially accredited to a younger sixth century author, Pratinas, a native of Dorian Phlius. An absolutely new invention it could hardly have been. One natural tendency of this division was to make the three plays somewhat more serious and dignified in character. Still, we have no reason to credit any pre-Æschylean dramatist with an approach to tragedy as we understand the word.

As for Thespis, it is probable that his spoken parts were largely improvised. Not an authentic word from one of

them has been preserved. The Alexandrian librarians appear to have known that they had no genuine Thespian plays. His rivals have fared little better. Pratinas survives as a dramatist to the extent of just two words, "sweet-voiced quail" (*ἀδύφωνος ὄρνις*), the broad "Italian *a*" in the first syllable reminding us that both he and the Bacchic song itself came to Attica from the Dorian Peloponnese. Another early poet, Choirilos, is quoted only to be censured for harshness of metaphor in calling "rocks the bones of earth," and streams her veins. To us there is an elemental beauty, and no audacity, in this figure. Certainly the more copious fragments of Pratinas's *lyric* poetry give us a lively regret over his loss; yet they are anything but tragic in tone.

The first dramatist, however, who is really more than a name to us is Phrynichos. His first victory was in 511 B.C. His "Fall of Miletos" was a bold dramatization of a recent and mortifying event in Athenian history. Since the Athenians wept over it—and then fined the poet heavily for "reminding them of their own sorrows"—they either preferred time-honored myths to fresh-made history upon the boards, or else they wished to laugh rather than to weep. Phrynichos himself may have decided on the latter as the real warning, for in his later "Phœnician Women" he dramatized the still more recent but pleasanter tale of victory at Salamis. Æschylos's "Persians" seems to have been planned, in part, to modify the political and personal "tendency" of Phrynichos's "Phœnissæ," which probably gave too much glory to Themistocles. An ancient scholiast on the "Persians," mentioning an accusation of plagiarism against Æschylos, tantalizes us by quoting the first line only of Phrynichos's play:

These are the Persians' seats who came of old.

Among the few names of Phrynichos's plays, given confusedly by Suidas, is still another, "The Just," or "Persians," or "Councilors," which may well be a contemporary subject. Still, he also handled myths so orthodox and remote as Alkestis, Actæon, Tantalos, and Danaïdes. His most famous line,

On crimson cheeks the light of Eros glows,  
survives for us through an alleged citation of it by Sophocles at an appropriate social moment. A few other passages from various plays are preserved, the longest extending to four lines. It neither aids nor weakens my general theory as to the merry spirit of pre-Æschylean tragedy:

An army once defiled into the land  
That Hyas' ancient folk inhabited,  
And all the plains and seaward-lying coast  
Swift fire with frantic jaws did feast upon.

It may be added, in passing, that the iambic meter, appearing thus early in tragic narration, suggests, by its name and all earlier associations, rather rollicking license than pious decorum. Still, in this case also a parade of the scant and tantalizing fragments would only disclose our utter poverty. We would welcome eagerly even one complete scene, or choral ode, from this bold innovator of historical and realistic tastes, whom Aristophanes makes Æschylos, in the underworld, praise as an equal. But even Egypt will hardly proffer us such treasure-trove as a play of Phrynichos.

I have by no means emphasized thus far the religious associations of early drama. It would be difficult even to translate that Latin derivative, *religious*, into sixth century Greek. We have to do with a people who hardly drew a line between secular and pious activity. Their gods they had fearlessly made in their own likeness, some of them being even a travesty on the original. Almost any form of emulous strife was assured of the heartiest divine favor. A horse race was the culmination of Zeus's quadrennial festival at Olympia, for which a "Truce of God" was proclaimed throughout the Greek world. A cockfight aroused the warmest enthusiasm of Pindar, and made a fit adornment for the high priest's chair of state in the Athenian theater. Just in front of that very chair stood the altar about which the chorus and the drama itself were centered; and it was an altar, not of Zeus, of Athene, of Apollo, but of Dionysos, the joy-giver, the liberator.

The whole Bacchic group of divinities is chiefly the crude

conception of rustic minds. Priapos was prominent in that Dionysiac band, and his shameless emblem formed the very center of the winter festival, at least, where comedy had its later origin. But, indeed, Dionysos himself is the very type of rollicking lawless enjoyment. The wildest excesses of Oriental, or even of Parnassian, orgies may not have followed him to Dorian lands or into Attica. I do not understand that Aphrodite Pandemos, in particular, ever shared his brief annual reign among the Athenians; but it was a true carnival time, at least. Aristophanes represents the traditional spirit of the Bacchic worship generally, infinitely better than do his "tragic" brethren. The grave and decorous Attic tragedy, as we know it, was not, I am sure, the natural outgrowth of that festival nor of that folk. We owe it rather almost wholly to Æschylos, and, in a sense, perhaps, to Xerxes. In Æschylos's own case, indeed, we must not forget that he always added the satyric afterpieces, which the taste of later Hellenism did not care to preserve. Even in such relatively austere tragedies as his extant dramas semicomical characters appear, like the watchman in *Agamemnon*. But much more significant is the loss of all dignity in that whole closing scene or two of the *Persians*. Æschylos also was diverting a popular audience.

We can see, even from the scant fragmentary evidence, that the choral performance almost everywhere associated with lyric poetry was, from the Homeric beginning, often mimetic, in a sense almost dramatic. The "tragic dramas" accredited to Pindar, for instance, may have been simply dithyrambs, like the poems composed a century earlier by Arion, who is himself called by his biographer "the inventor of the tragic style." Yet even the early dithyramb had apparently a certain plot, a dramatic development. Traces of an ancient recitative, or some similar interlude, we have already noticed. The whole performance, even in its pre-Thespian form, may have been like a rather simple cantata or oratorio. Even the conflict of opposed forces, so essential to matured tragedy, may have been already indicated by a division of the chorus, as in the closing scene of the *Seven*



against Thebes, and elsewhere. What we may call the cumulative effect of a large chorus, marching, singing, acting, all in unison, is understood at least as well by the savage as by the philosophic student of to-day among his books. What I fail to find among the scanty fragments and traces of pre-Æschylean drama is the truly tragic, intensely religious atmosphere which envelops alike the dæmonic Prometheus and the more human Agamemnon, or even the early "Suppliants," and the larger part, at least, even of our one contemporary action in the Persians.

Thespis's first "responder" did not necessarily work a revolution; but a second actor did at once make possible a dialogue in which the chorus need not share, either in song or as speaking through their leader's mouth. This was the true origin of drama as we understand it, and, through this innovation, ascribed to him explicitly by Aristotle, Æschylos stands forth as the father of Attic tragedy. We do not know at what date the second actor appeared, but Æschylos lived to use effectively even the third, whose employment was first proposed by Sophocles. Farther than this the great masters probably did not go.

During most of Æschylos's career the chorus for each play was, we are told, twelve in number. Sophocles increased it to fifteen. That the membership changed entirely for each of the four successive plays, that the four times twelve plus two musicians or two actors represented the old dithyrambic chorus of fifty—all this is but a series of overingenious modern guesses, chiefly by K. O. Miller.

The most rudimentary play we possess entire is undoubtedly the "Suppliants" of Æschylos. Its extremely archaic character, compared even with the Persians, may carry its probable date back to a time before Xerxes's invasion, at least. The chorus is from beginning to end the real protagonist. Yet even here we have two actors, and the vigorous culminating scene, in particular, could not have been managed at all without the second actor. It is highly probable that the "Suppliants" was followed immediately by two other plays closely connected with it in plot. Yet it is

all but certain that these three dramas would all utilize the same chorus, not of twelve or fifteen, but of just fifty members; for they dealt with a myth in which, more deeply perhaps than in any other, was imbedded precisely this number of fifty active agents. This myth is the tale of Danaos's daughters, who were wooed and wedded by the sons of Ægyptos, and slew their husbands on their bridal night. The perusal of this very early play will incidentally illustrate much that has been said above; for we have now reached the point where the surviving plays of Æschylos give us something better than fragmentary evidence or groping conjecture.

The points chiefly emphasized in this paper are, (1) that choral performances of a mimetic and dramatic character begin unmistakably in the Homeric age, and were attached to many cults; some of them, as Demeter's and Apollo's, of lofty and dignified types; but (2) that the origin of drama in the Bacchic dithyramb bids us associate merriment rather than "tragic" dignity with its whole earlier history; and (3) that the more earnest religious spirit of the dramatic art, maintained in great degree through the fifth century, is probably due to two closely kindred causes—viz., the great struggle with Persia and the character of Æschylos. "From trivial plots and ludicrous phrasing, as it developed out of the satyr play, it acquired *late* a serious tone," says Aristotle of tragedy (*Poetics* III., 18). "Late" (ὁψέ) certainly does not mean in the sixth century, nor in the lifetime of the first group of dramatists.

In the first decades of imperial power and of swift-growing wealth, while the miraculous escape from the Tantalos stone of foreign subjugation still sobered all thoughtful men, Æschylos adorned the "goat-song" of the merry Bacchic festival with all the dignity of an Eleusinian mystery play, with whatever artistic elaboration Hellenic tradition supplied him, and with the yet richer treasures of his own splendid yet solemn brooding imagination. Then was given to many a myth, for the first time, a deep spiritual meaning.

WILLIAM CRANSTON LAWTON.

## JOSEPH G. BALDWIN AND THE "FLUSH TIMES."

FROM the time of Alabama's admission to the Union down to the Civil War the structure of her political and social life was essentially Virginian. Though the Carolinas, Georgia, and Tennessee contributed their quota of the population, the majority of distinguished names in high office and the characteristic pastimes in social life are traced for their origin to Virginia. The president of the first constitutional convention, the first governor of the Territory and State, the first chief justice of the Supreme Court, one of the first two federal senators were native Virginians. The State by far most largely represented in the first constitutional convention was Virginia. Madison County had in that convention a representation of eight, exceeding that of any other county by four, seven of whom were born in Virginia. The Supreme Court, made a distinct judiciary after 1832, had eight Virginians represented among its twenty members up to the War between the States. Five of the thirteen Governors were born in Virginia, North Carolina ranking next in number with three. In the early Congresses there was the same preponderance of representation. Sixteen counties perpetuate the names of Virginians, while North and South Carolina are represented by four each.

The large influx of population from Virginia settled in the Tennessee River Valley and along the western rivers of the State. The famed culture and hospitality of such cities as Huntsville and Tuscaloosa are due in no little measure to the numerous Virginians participating in their early history and settlement. They were chiefly planters and lawyers. The middle section of Virginia, whence in the main they came, at this period found its lands exhausted by the repeated croppings in tobacco, and the working of large bodies of slaves had become unprofitable. The broad prairies of Middle Alabama and the alluvial river bottoms offered attractive

fields for the production in great luxuriance of the staple crop, cotton. Along with their negroes and live stock the Virginians brought with them their ideas of the freedom and expansiveness of life, exhibited in their open-air sports and abounding hospitality. Horses and racing, picnics and balls, hunting and fishing, and too often wine and cards, were the characteristic diversions. Love for the old State, loyalty to her traditions, and pride in her history marked them under all circumstances. Believing in her laws and institutions, they deemed them the most correct models for guidance and instruction. It was natural, therefore, that in their legal procedure they should sometimes forget and think themselves governed by the "Revised Statutes of 1819;" that their sons were sent to the University of Virginia, Randolph-Macon, and other Virginia colleges; and that one of the first Masters of Arts from the young university should be found in the first faculty of the little younger University of Alabama. Their rank, manners, customs, intelligence, and views so impressed themselves in the formative period of the new State as to impart a definite stamp to the people in character and institutions.

Few men distinguished in the annals of Alabama came from the Valley of Virginia; but those who did are noble exemplars of the bravery, dignity, culture, versatility, and bonhomie preëminently characteristic of the well-bred gentlemen from the Mother State. From Rockbridge County were John McKee, the successful Indian Agent and first Representative in Congress from the Tuscaloosa district; and Sam Dale, the intrepid Indian fighter and Mississippi partisan; from Augusta County, Elisha Young, the skillful parliamentarian; from Rockingham County, Henry Tutwiler, the Arnold of Alabama; from Botetourt County, George W. Crabb, the business lawyer and astute debater; and from Frederick County, Joseph G. Baldwin, the able jurist, the brilliant humorist, the polished man of letters, whose name is perhaps as widely known as that of any other Alabamian of his day, and whose fame is certainly securer than that of any other Alabama author of the ante-bellum school of writ-



ers. The task here undertaken to set forth adequately the charm of Baldwin's personal side of life, the various activities of his public career, and the genuine merit attached to his writings, requires more space than the circumscribed pages of a magazine. However, within these limits, the effort will be made to show that he possessed those qualities which made him an illustrious representative of his native State, performed those services which reflected upon her more than a transient glory, and gave to Southern literature one work which insures him an enduring fame.

Joseph Glover, son of Joseph Clarke and Eliza C. (Baldwin) Baldwin, was born in January, 1815, at Friendly Grove Factory, near Winchester, Va. His ancestors, the Baldwins, of Bucks County, England, were of ancient and honorable lineage. The name appears in the roll of Battle Abbey, in "Domesday Book," indeed on the pages of English history among the highly favored from Alfred the Great to Henry VIII. Their first settlement in this country was made at Milford, Conn., where brothers and kinsmen of the name purchased lands in 1639. On the father's side, Joseph G. Baldwin was a descendant of Nathaniel; on his mother's, of John Baldwin. The exact relationship of John to the other Baldwins is not certain, but the fact of settlement in the same town in the same year seems conclusive evidence of kinship. Nathaniel was registered as "a free planter;" John, as "a settler," the distinction being that the latter was not a member of the Church. By way of New Jersey and Ohio the two branches found their way to Virginia. The grandfather on the father's side was born in Connecticut, moved to Ohio, thence to Rockbridge County, Va., where, it is said, he established the first woolen and cotton factory in the Valley of Virginia. The grandfather on the mother's side was Cornelius Baldwin, a graduate of Princeton, a surgeon in the Revolutionary War, a popular and skillful physician, and a gentleman of character and social position. He married Mary Briscoe, daughter of Col. Girard Briscoe, of Winchester, with which union are associated by descent and intermarriage, Briscoe G. Baldwin,

John B. Baldwin, A. H. H. Stuart, and John W. Daniel, noted names in Virginia history.

The educational opportunities enjoyed by Baldwin were imperfect, though one would not suppose such to be the case from his diction, the variety of classical allusion, and the quotations from standard authors that scintillate throughout his writings. These evidences of culture, together with the apt phrase, the pointed simile, and the pithy remark, show unmistakably that wide reading had largely made amends for any defects of early education. In 1836, having acquired some familiarity, as he himself says, with Sir William Blackstone's "Commentaries," and deeming the opportunities for a young lawyer in the Virginia home meager, where conditions were settled and litigation infrequent, where the only briefs then known to the stripling were "being brief of money and brief of credit," he determined to begin his career in the newly opened Southwest. He had heard of the inflowing tide of immigration, the interminable confusion of titles and Indian claims, the reckless daring and wild profligacy, and the almost unbridled reign of lawlessness as inviting a munificent field of opportunity for the fledgeling lawyer. With the scant outfit of a pony, clothing sufficient to fill a pair of saddlebags, and some Virginia bank bills, he left behind the red hills of his native Shenandoah Valley home and leisurely pursued his way through Southwest Virginia, East Tennessee, and Alabama to a point in Eastern Mississippi where his shortness of funds urged the immediate pitching of his tent. He did not, could not debate the matter. The account of the motives underlying his move, the adventures and impressions along the journey, and his preparation for practice are told with a rich humor in his "Flush Times of Alabama and Mississippi." In East Tennessee he noticed that the farmers' pretty daughters worked barefooted in the fields, ignoring the refinements of artificial society, while the men believed thoroughly in the patronage of home institutions, evidenced by the unreserved devotion paid to the numerous distilleries of the section. "The transition from East Tennessee to Southwestern Alabama and Eastern Mis-

Mississippi was something marked. It was somewhat like a sudden change from 'Sleepy Hollow' to the Strand. A man retailing onions by the dozen in Weathersfield, and the same man suddenly turned into a real estate broker in San Francisco, would realize the contrast between the picayune standard of one region, and the wild spendthriftism, the impetuous rush, and the magnificent scale of operations in the other."

He began the practice of law at De Kalb, in Kemper County, Miss. Gen. Reuben Davis, in his "Recollections of Mississippi and Mississippians," has left an interesting account of Baldwin's first case and of the success that attended his efforts. The case was one of great interest, and involved in a sense international law. Pushmataha,<sup>1</sup> chief of the Choctaw Indians, who had been dispossessed of their lands by treaty, before their removal killed by virtue of his tribal authority one of his braves. Being now within the jurisdiction of the State of Mississippi, he became amenable to her laws and was indicted for murder. Baldwin requested of the prosecuting attorney, who was Gen. Davis, that he be allowed to participate in a case of so much interest and magnitude, thinking it to be a rare opportunity to enable him to make better known his proficiency and qualifications in the law. Though received with a protest, the request was granted. At first heard with scant courtesy and manifest indifference, his grasp of the subject, fervor of manner, and eloquence of utterance began to attract marked attention, so that by the time he closed he had completely won his audience and the case. This success was prophetic of his future career. He entered at once upon a good practice, with increasing success and profits.

De Kalb and Kemper County, with a sparse population not noted for wealth and culture, did not afford a promising field to a lawyer of his gifts. Interested and appreciative friends suggested and urged that he should go to a more inviting arena. Accordingly, at the end of two years, he moved to Gainesville, in Sumter County, Ala., both county

---

<sup>1</sup>This was not Pushmataha, the great chief of the Choctaws and friend of Andrew Jackson, who died in 1824. See Claiborne's "Mississippi," p. 515.

and town then being among the most prosperous in the State, though but recently acquired from the Indians and opened up to settlement. Situated on the Tombigbee river, Gainesville was the shipping point of much of Eastern Mississippi, whence he had migrated, and was doing a flourishing business. Old settlers, in joyful reminiscence, tell of the time when successive cotton wagons, constituting trains in length from a quarter to half a mile, rolled their bales into the streets of the place for shipment to Mobile. It was founded by a New England land company, whose leading spirits, Jonathan Bliss, W. W. and David Russell, William Lewis, and others, gave to the town an air of wealth, culture, and aristocracy which the adversities of more recent years have not been able to obliterate. Yankee Street, on which are the most prominent residences, perpetuates their memory. The surrounding country, slightly undulating, was picturesque and inviting for habitation. Southward to Livingston, the county seat, westward to the Mississippi line, and northward to the Pickens County line, were lands in their virgin state, as fertile as the overflowed banks of the Nile. This entire region was peopled by large slaveholders of the highest type of Southern aristocracy, who cultivated their fair domain like a garden and reveled in all the comforts and luxuries to be found in the planter's home. In wealth and population, then, Sumter County sprang with a bound to the front among Alabama counties. Truly those were "flush times" of which Baldwin wrote and of which he was a part. According to the census in 1840, eight years after the formation of the county, its population as then constituted amounted to thirty thousand, exceeding that of any other county in the State. It was a rich haven, or harvest field, for the lawyers, whither they congregated like birds of prey. According to figures based upon Garrett's "Reminiscences of Public Men in Alabama," in 1845 the number of resident lawyers in the county was fifty-two, twenty-nine of whom lived at Livingston and eleven at Gainesville. Only one other county, ancient and historic Mobile, could boast of a larger number. Here, then, Baldwin found a congenial field for the display



of his talents and industry. Litigation and politics were largely the popular amusements and pastimes, and all hands patronized them in overflowing measure, either in suing or being sued, running for office or supporting an office seeker. Baldwin says: "It was a merry time for us craftsmen; and we brightened up mightily, and shook our quills joyously, like goslings in the midst of a shower. We look back to that good time, 'now past and gone,' with the pious gratitude and serene satisfaction with which wreckers near the Florida Keys contemplate the last fine storm."

To give a further idea of the incentive and inspiration afforded by association and environment, it is well to call attention to the political and professional prestige of Sumter County during the period of Baldwin's residence, from 1838 to 1854, when congressmen, judges, and a governor were selected from her galaxy of able men. Practicing with him at the bar were men of the first rank in the legal profession, of high attainments in scholarship, of genuine literary taste and culture, and of fun-loving spirits and mirth-provoking propensities. Among these were Jonathan Bliss, his partner, a graduate of Dartmouth College, and the Blass of his humorous sketch "Jonathan and the Constable," "who knew all about the law," but whose ability to "norate it from the stump" was questioned; Samuel Chapman, whose career on the bench extended over a period of eighteen years, a man of infinite jest and humor; Judge Turner Reavis, the genial wit and jolly humorist, the profound lawyer whose literary library was the finest in the State; Judge Bacchus W. Huntington, the scholarly New Englander, the proficient and successful lawyer, the bright wit and author of a poem, "Bacon and Greens," declared to rank in merit with Albert G. Greene's "Old Grimes Is Dead;" Samuel W. Inge, the astute lawyer and successful politician; Robert H. Smith, who became the first lawyer of the State; and others, like Gideon B. Frierson, Samuel A. Hale, T. B. Wetmore, and Philip S. Glover. Perhaps at no other bar in the State was to be found such a coterie of men of boon companionship and hearty camaraderie, who, after the hotly contested legal

bouts of the day, gathered about their offices, in their rooms, or in the old Choctaw House, to regale their spirits with funny anecdote and humorous adventure, with comforting beverages and appetizing meal.

The disposition on the part of the popular favorite and successful lawyer to run for office was then infectious, though hardly the mania characteristic of a later date. There was an irresistible charm attached to the search for political honors; there was an undeniable satisfaction in the popular approval expressed by the call to stand for office. It opened up to one the prospect of being able to exclaim with Horace: "*Non omnis moriar.*" It afforded a field for the most diversified gifts and for the most devoted public service. Baldwin, like most of the prominent Virginians in Alabama, belonged to the Whig party, a party which, with the leveling tendencies of a new country, held its own with difficulty, and was able to make little headway against such formidable breakers or barriers as the popular watchwords of Democracy: "State rights and strict construction." He was one of the few Whigs whom Sumter County honored with office. In 1843 elected a member of the Legislature, he served with conspicuous fidelity. His best-known speech of the session was on the resolutions to rescind the white basis of Congressional representation, when he delivered a masterly but unsuccessful argument for its repeal. He was an alert, busy representative, carefully guarding the interests of his constituents and State. Courteous in address and dignified in speech, he always kept within the limits of parliamentary decorum, and required the same treatment of his opponents. Adroit in movement and skillful as a tactician, he brought many woes upon political opponents. A notable instance was during this session, when David Hubbard, Chairman of the Committee on Federal Relations, brought in joint resolutions touching the protective policy. Baldwin offered this amendment:

*Be it further resolved, That we disapprove of the refusal of the present Congress to repeal or modify the existing tariff laws.*

Emanating from a Whig, the resolution, by a strict party

vote, was laid on the table. The Journal of the House showed no reason for the casting of such a vote. The next year it proved a snare and a delusion in imposing upon certain Democrats the necessity and difficulty of explaining a vote contrary to all party policy and effort. It resulted in the defeat of some thus entrapped. In 1849 he was a candidate for Congress, but was defeated by the Democratic candidate, Samuel W. Inge, who Garrett, in his "Reminiscences," says had the advantage of the reputation gained by knocking down an abolitionist on the floor of Congress. In 1850 he removed to Livingston.

Having followed him thus far through his professional and political life, and having described in his social environment the conditions under which he lived, one is the better prepared to study and appreciate his writings, particularly that work upon which his fame rests. In 1853 appeared "Flush Times of Alabama and Mississippi," and in 1855 "Party Leaders," both published by D. Appleton & Co., of New York. The former was dedicated to the "Old folks at home" in the Valley of the Shenandoah; the latter to Briscoe G. Baldwin, in grateful acknowledgment of obligations conferred.

His great and enduring work is "The Flush Times of Alabama and Mississippi." There is not a dull or commonplace page in the book, from the introduction of Ovid Bolus, the naturally dexterous and accomplished liar, to the voluntary withdrawal of the ignorant applicant for a law license, who confesses: "I don't know as it's any harder than I took it at the fust; but then, B., ther's so d——d much more of it." In a work maintaining so uniform a standard in the excellence and variety of rich humor, so sustained in its passages descriptive of ludicrous situation, and so faithful in character study, it is difficult to give an idea of the merit or the art of the book by detached quotation or description. A broad and genuine sympathy is manifest throughout. There is no lash of satire fanning into a glaring light the foibles of men and society, there is no sneer of ridicule gloating over the weaknesses of less favored mortals, there is no breath of

sarcasm venting its envious spite upon hollow pretense. It is true that shams and follies, rascalities and villainies are held up to view, but with such touches of subtle humor and with such suggestions of a gracious charity as to be overshadowed in their hideous and repulsive forms by the mirth provoked. There is a freshness and spontaneity about it, showing it to be no imitation of any other work of the kind. In the originality of its characters and scenes and in the excellence of its style and narrative, it is worthy to rank with Longstreet's "Georgia Scenes" and Thompson's "Major Jones's Courtship," as a faithful transcript of past conditions.

While the scenes and characters have most to do with lawyers and legal procedure, no occupation or profession save the ministry is omitted from the "gallery of daubs." The ministry barely escapes in the character of the pedantic old-field schoolmaster, Burwell Shines, "a member of the Methodist Episcopal, otherwise called Wesleyan, persuasion of Christian individuals," who, when pursued by mischief-makers, heard the murderous and impious expression shouted at him, "Kill Shadbelly with his praying clothes on!" This omission must have been due to a concealed bump of excessive reverence on the cranium of the author, for from those days as many jokes involving Methodist and Baptist preachers have come down as of any other class.

The characters and caricatures that commend themselves with overflowing fun and merriment are many: the conceited stripling lawyer who as opposing counsel in a suit for slander, flies in dismay and disgrace before the furious onslaughts and withering ridicule of old Cæsar Kasm, known to the wags of the bar as old Sar Kasm; the glutton, Squire A., who is artfully and wickedly deprived of his fritters; Cave Burton, the professional teller of stories without point or end; the haughty and self-consequential Virginians, who might breathe in Alabama, but lived in Virginia and never got acclimated elsewhere nor lost citizenship to the old home, where their treasure was and their heart also; the legal biography of Simon Suggs, Jr., a type of the mendacious and

roguish lawyer; the pretentious and all-sufficient visitor to New Orleans, who, while at college in Knoxville, Tenn., had learned all the usages of polite society in the best hotels and circles, but drank pineapple sop from a finger bowl at the St. Charles Hotel; the bullying coward, who in furnishing the "weepins" for a duel provoked with a demure son of Adam, by mistake of intent, handed the loaded pistol to his combatant; the shrewd, obliging gentleman of the old school, Francis Strother; the browbeating and supercilious lawyer; the Irish wit of Patrick McFadgin and Jo Heyfron; the hung court over the jackass, leaving its imperishable legacy of heartburnings and excitement in the hitherto quiet village of Splitskull; Sam Hele, who ran the Yankee school "marm" out of Livingston by his harrowing descriptions of the gross, inherited wickedness of the population, incorrigibly steeped in the science of criminology and perfectly practiced in the whole catalogue of crimes; the pettifogging lawyer, who hung about the jail begging criminals to intrust their causes to him, and insisting on the plea of an old friendship that never existed; the stingy client, who sought advice as to instituting a suit for slander against a neighbor who had bidden him kiss his foot.

Not a few of the incidents sketched find their counterpart or parallel upon the pages of Alabama and Mississippi history. In Garrett's "Reminiscences" the account of Columbus W. Lee and the young legislator, of Francis Strother Lyon and the debtor, and of Judge Huger and the Kentucky mule drover, have striking features in common respectively with old Cæsar Kasm and the young barrister, Francis Strother and Jemmy O. of the Sumter bar, and Paul Beech-  
im in his pineapple sop adventure; while in Claiborne's "History of Mississippi" the sketch of Franklin E. Plummer narrating the incident of his entertainment at the Frenchman's inn and bar, suggests the lavish prodigality of Ovid Bolus, who treats a regiment and charts a grocery for a day, knowing that he had not one cent with which to pay the owner.

As the period around which to weave his sketches Bald-



win took the so-called shinplaster era, when commerce flourished upon the fictitious basis of universal credit and indefinite extension. Though he introduced pictures of the wildness of speculation and boldness of adventure that characterized the times, though he made disclosures of the frailties of men in selfish indulgence and business speculation, yet above the weakness and wickedness with which they sported, above the fun and the mirth with which he invested them all, there runs the strong, sturdy, practical insight and wisdom of the man of the world which the man of letters has clothed with the imagery of a glowing imagination and illustrated with apt reference from the masterpieces of literature. The Bible, Anacreon and Homer, Shakespeare and Milton, Burns and Goldsmith, Bulwer and Dickens, Johnson and Carlyle, Franklin and Emerson, the storehouses of English and American history, are appropriated for ready use.

Baldwin's other book, "Party Leaders," is entirely different in treatment and purpose. Sketches of Jefferson, Hamilton, Jackson, Clay, and Randolph are given, presenting in bold outline and pleasing discussion these distinguished personages and the prominent events in the country's history with which their names are associated. If it did nothing else, in its grasp of thought and clearness of style the work would exhibit the versatility of the author, who could with equal ease transfer his thought and pen from gay to grave themes.

In the autumn of 1853 Baldwin moved to Mobile and became a partner of the Hon. Philip Phillips, an influential member of that bar who acquired considerable reputation as a statesman. Having been disappointed in his hopes of political preferment, and seized by the currents that were drawing men of all classes, trades, and professions to California, he moved to that State in 1854. There he saw the revival of "flush times" due to the gold excitement. In October, 1858, he was elected judge of the Supreme Court, and held the position up to January, 1862, when he resigned and resumed the practice of law. As a member of this high tribunal, the Hon. Stephen J. Field, who sat with him as chief

justice and was afterwards a justice of the United States Supreme Court, says of him in "Reminiscences of Early Days in California:" "He was a profound lawyer, and some of his opinions are models of style and reasoning."

During the Civil War he went to Washington to ask permission of the authorities to visit his aged parents, still living in Virginia, but his request was denied. From the effects of a surgical operation for lockjaw he died suddenly September 30, 1864, and was buried with distinguished honors at San Francisco. Judge Baldwin was married in 1839 to Miss Sidney White, daughter of Judge John White, of Talladega, Ala., one of the first circuit judges of Alabama. A singular fatality seems to have surrounded the six children born of this union, all the sons dying young. The eldest, Alexander White, was a brilliant lawyer admitted to the bar at eighteen years of age, a prosecuting attorney at nineteen, and at twenty-five appointed by Andrew Johnson United States District Judge of Nevada, a court over which he presided with great dignity and ability, until he perished in a railroad accident at twenty-nine years of age. Joseph G., Jr., died at twenty-two, having distinguished himself in an Indian encounter. John, who was educated in Switzerland, died aged twenty-two years.

With the foregoing outline of Baldwin's life, little remains to be said concerning his traits of character. A further view of him will be presented through the tributes of devoted friends and associates.

Judge Field, in the work already referred to, says: "My friendship for Mr. Baldwin commenced long before he came to the bench, and it afterwards warmed into the attachment of a brother. He had a great and generous heart; there was no virtue of humanity of which he did not possess a goodly portion. He was always brimful of humor, throwing off his jokes, which sparkled without burning, like the flashes of a rocket. There was no sting in his wit. You felt as full of merriment at one of his witticisms, made at your expense, as when it was played upon another."

Gen. Reuben Davis, in the "Recollections of Mississippi

and Mississippians," already cited, says: "In conversation he was the most entertaining man I ever knew, and his personal fascination made him the delight of every crowd he entered."

Col. T. B. Wetmore, an associate of the Sumter bar, is thus quoted in Brewer's "Alabama:" "Although great, he never celebrated his own importance; and although good, he made no record of his generosity. . . . O, for an hour's talk with some man like him, wearing his humanity as he used to wear it, with his hat about to turn a back summerset from his head, with his forehead growing broader, and his eyes sparkling brighter, as he advanced in anecdote, till he was shut out from vision by the tears his mirth created, and we were compelled to feel that there was at least one great man in the world who could be funny."

GEORGE FREDERICK MELLEN.

## ARNOLD'S INVASION OF VIRGINIA.

[Copyright, 1901, by Francis Rives Lassiter.]

(CONCLUDED FROM JANUARY NUMBER.)

WITH the establishment of Arnold at Portsmouth the campaign in Virginia may be properly said to have opened. Whatever military objects may have been accomplished by the raid to Richmond, there had hitherto been no combatants. The small body of British marched as they would, through an unprepared and defenseless people. Resistance now began to take definite form. The struggle waxed in interest, gradually drawing in all the principal characters on both sides and culminating at Yorktown.

The Virginians essayed two objects: to confine and capture Arnold and to detain Cornwallis in the Carolinas, thus playing into the hands of the British strategists, whose sole aim in sending Arnold was to divert the force of Virginia from being directed upon Cornwallis. Without military equipment and dependent upon shifting militia, they failed in both. Later, when both sides had been largely reënforced, success came with naval superiority, as must always happen when Virginia is the battle ground.

However interesting to the local historian, it is unnecessary to describe in detail the movements about Portsmouth during the two months succeeding the occupation of that town. Muhlenberg, on the north, and Gregory, with the North Carolina militia on the south, constantly sought to limit the enemy to their works. Besides fortifying the post and foraging the surrounding country, Arnold kept ever in mind the main object of his expedition: to aid the operations of Cornwallis by engaging the resources of Virginia within her own borders.<sup>54</sup> In this he was so successful that not a single Continental or militiaman left the State until the end of February,<sup>55</sup> while the resources of the State, the temper

---

<sup>54</sup> For effects of Arnold's raid see Germain to Clinton, March 7, 1781.

<sup>55</sup> Kapp's "Life of Steuben," p. 402.

of the inhabitants, and military stores of all kinds, destined for the main army, were consumed or wasted by changing bodies of militia. As Richard Henry Lee<sup>56</sup> wrote to Bland, "thus the enemy may destroy the concert by playing interludes." With a coolness due doubtless to acquaintance with the militia system, Arnold planned, with a detachment of five hundred men, to enter by Currituck Inlet and sweep the North Carolina Sounds from the Chowan to the Neuse, destroying the shipping and distracting the militia of that State, and, with the assistance of a frigate at Ocracoke Inlet, to cut off the thin stream of foreign supplies that still filtered into Virginia by way of the Blackwater and South Quay.<sup>57</sup> Later he actually detached five hundred men to pass up James River<sup>58</sup> and operate in favor of Cornwallis, erroneously supposed to have already crossed the Dan.

The American plans of offensive action ranged in importance from Mr. Jefferson's scheme of secret abduction to the elaborate combination of Gen. Washington, involving all the elements of the Yorktown strategy, but failing where the later plan succeeded—in the coöperation of the French fleet.

Early in January a certain Captain Joel, a seafaring man, disclosed to Mr. Jefferson the brilliant idea of destroying Arnold's fleet with a fire ship. After some debate his offer was accepted, his vessel was equipped and appropriately named "The Dragon." Fortunately for Mr. Jefferson's credit in naval warfare, as no diversion or assistance by land or sea seems to have been planned in aid of the "Dragon," this scheme was abandoned in February, "its purpose being supposed to be known by the enemy," as Mr. Jefferson says in one of his letters.<sup>59</sup>

To us who for four generations have intuitively understood Benedict Arnold and Judas Iscariot to be terms synonymous with unspeakable baseness, small change of focus is necessary

---

<sup>56</sup> Bland Papers, II., 58.

<sup>57</sup> Arnold to Clinton, February 13, 1781.

<sup>58</sup> Arnold to Clinton, March 8, 1781.

<sup>59</sup> Jefferson to Nelson, January 16 and February 13, 1781.



to comprehend our forefathers' contempt for the historic character. Mr. Jefferson's well-known letter of January 31 to Gen. Muhlenberg,<sup>60</sup> outlining a plan and offering 5,000 guineas for his abduction, does, however, throw a curious light upon contemporary passion. That a philosophic statesman such as Jefferson should have taken such measures for the punishment of a crime elevates the criminal to almost Satanic proportions, while detracting from the dignity of the Magistracy and of Justice. The seizure of Arnold, whose obnoxious presence had stimulated patriotic endeavor, could have had no beneficial effect upon the military situation, but such means of forcing him to face outraged justice must in future generations have tempered with sympathy instinctive horror of his crime. More blighting than sentence of court-martial, more salutary than physical execution is the fatidic judgment that left Arnold unwhipped of human justice, but "pilloried in eternal shame." To the writer of romance we leave the details of the execution and failure of this plot, more suited to his domain than to military science or sound policy.

Turning from these abortive efforts, we find the campaign begins to assume the regularity of military superintendence. The entire forty-six hundred militia that Jefferson had ordered on January 2 were never under arms at the same time. Nevertheless the force under Muhlenberg and the detachment with Clarke prevented recruiting the Continental line in the greater portion of the State, as the new law for that purpose was suspended by the Governor in all of the counties that had militia in the field. Unable, therefore, to reënforce Greene and incompetent to attack Arnold, both Executive and citizens saw the resources of the State being consumed without advancing any object, while Cornwallis's approach forboded complete subjugation.

In this distressful situation the popular mind turned to Washington, to Congress, to our allies, to every quarter whence succor might be hoped for. The absence of active

---

<sup>60</sup> Muhlenberg's "Muhlenberg."

operations at the North and the vigor of the British generals at the South caused discontented comparisons to be drawn. Men murmured that "half of the burthen of opposition" rested on Virginia and North Carolina.

On February 10 Jefferson wrote to Greene<sup>61</sup> that "we must be aided by your Northern brethren," and added, "I trust you concur with us in crying aloud to Congress on this head." On the 12th he hinted very strongly to the President of Congress and to Washington that, in his opinion, the main army could alone prevent the loss of State after State in the South.<sup>62</sup> Other influences were also at work, and unfortunately a plan of relief took shape without consultation with Washington.

It is probable that Richard Henry Lee first set on foot the measure which followed. The design has been attributed to Jefferson, but without authority from his extant letters. As Washington<sup>63</sup> afterwards pointed out, the expedition never had but one possibility of success. Its inception was peculiarly unfortunate, in wasted effort, in disappointing hopes aroused in Virginia, and in fatally delaying the execution of a more comprehensive plan.

On January 26 Lee wrote to Bland in Congress urging him to strain every nerve for naval aid. He describes Arnold's force, and estimates that with the assistance of one ship of the line and two frigates, "the militia now in arms are strong enough to smother these invaders in a moment."<sup>64</sup>

Congress urged the project upon the French Minister, who laid it before Des Touches, then commanding the French fleet in Rhode Island. Des Touches, longing to break the monotony of his inaction, received the suggestion at a time when Arbuthnot's fleet had been shattered by a storm (January 22), and on February 9 detached M. Le Gardeur de Tilly with the force indicated in Lee's letter. Meantime Rochambeau reported to Washington the measures on foot

---

<sup>61</sup> Jefferson to Greene, February 10, 1781. MS. Letter Book.

<sup>62</sup> Jefferson's MS. Letter Book, 1781.

<sup>63</sup> Sparks's Writings of Washington, VII., 411.

<sup>64</sup> Bland Papers, II., 58.

against Arnold and added: "Nous avons beau jeu sur lui dans ce moment ci."<sup>65</sup>

A favorable wind brought De Tilly to Lynhaven Bay<sup>66</sup> on the 13th. He arrived unannounced. No preparation had been made by friend or foe. Indeed, Arnold had detached Simcoe with four hundred men as far as Northwest Landing, and Jefferson did not hear of his arrival until two days afterwards.<sup>67</sup> Col. Dabney, commanding the lower posts, erroneously reported the arrival of the whole French fleet to Nelson, who, under this impression, so late as the 16th, wrote to Steuben: "Now is our time; not a moment ought to be lost." As soon as the news was received Steuben sent an aid-de-camp to the French commander, and issued orders for active coöperation against Portsmouth.

On the 16th Jefferson wrote to Capt. Maxwell, of the navy, directing certain vessels to be prepared to coöperate with the French fleet, and on the same day, to Maj. Claiborne to impress boats for passing militia across James River, a need which Washington had foreseen early in November of the preceding year. On the next day one-fourth<sup>68</sup> of the militia of Loudoun, Fairfax, Prince William, and Fauquier are ordered to Williamsburg to take the places of eight hundred riflemen who have been detached under Lawson to reinforce Gen. Greene.

Steuben ordered Gregory's North Carolina militia to hold themselves in readiness on the eastern side of the Dismal Swamp, and expresses were established to keep in touch with him. Nelson was ordered to prepare to cross the river, and Weedon, with eight hundred militia from about Fredericksburg, to occupy the posts so vacated. Steuben's biographer says that "eight eighteen pounders and two mortars were got in readiness," but, as Muhlenberg writes on the 24th that he has only two brass six pounders, and as only half so many

---

<sup>65</sup> Rochambeau's MS. Letter Book, p. 221 (February 3, 1781), Library of Congress.

<sup>66</sup> Arnold to Clinton, February 25, 1781.

<sup>67</sup> Jefferson to Washington, February 17, 1781.

<sup>68</sup> Amounting to 1,090 men. Jefferson's MS. Letter Book, Feb. 22, 1781.

eighteen pounders were even hoped for a month later, so great forwardness in the ordnance department is impossible. On the 18th Muhlenberg<sup>69</sup> advanced within sight of the enemy's lines, cut off a small picket, and defied Arnold to leave his works. He could not storm the works with only three hundred bayonets among his two thousand militia, nor could he attack by regular approaches with two brass six pounders.<sup>70</sup> Accordingly he retired sixteen miles, and camped at Shoulder's Hill, and on the following day De Tilly sailed for Newport.

The folly of De Tilly's expedition was the natural fruit of a civilian's plan intrusted to the indiscriminating ardor of impatient naval Frenchmen. The French admiral was informed of the location of Arnold, and that, by the chart, the draft of his own ships would not permit of his approach within range of the British anchorage. Knowing that the British fleet would refit before a blockade could be successful, and with no plan prearranged with the land forces, it was useless to bring the sixty-four gun L'Eveille to Sewell's Point, or to ground the Surveillante farther up the Elizabeth river. It was natural that the Virginian Executive and general officers should have striven even against military probabilities to coöperate with their long-wished-for ally. But general and clamorous discontent was the inevitable result of fruitless expense to the State and inconvenience to the citizen-militia. It seems to be a fact, however, that upon news of its arrival Mr. Jefferson correctly estimated the value of the expedition.<sup>71</sup>

The capture of the *Romulus*, of forty-four guns, surprised in Hampton Roads, eight other small prizes, and some dispatches indicating the proposed permanence of the post at Portsmouth, were the only fruits of De Tilly's expedition. On the other hand, the British commander, informed of the movement on the 18th, and regarding the squadron only as an *avante garde*, prepared to reënforce Arnold with two

---

<sup>69</sup> Muhlenburg to Steuben, February 19, 1781.

<sup>70</sup> Muhlenburg to Greene, February 24, 1781:

<sup>71</sup> Jefferson to Washington, February 17, 1781.

thousand troops as soon as the admiral should be able to locate the main fleet.<sup>72</sup>

Meantime, occupied with his own more immediate plans, and oppressed by the poverty of his resources, Washington's mind slowly but methodically grasped the situation in Virginia, and determined to take a hand there, the more willingly, as it is said, in the hope of capturing the traitor commanding in the Old Dominion.

On February 7, before receiving Rochambeau's letter of the 3d, he wrote to that general: "If M. Des Touches has acquired a superiority which puts him in a position to act, your excellency sees as I do that this (Arnold's) detachment is an object of attention."<sup>73</sup> On the 15th,<sup>74</sup> still unaware that De Tilly had set off half cocked, he discussed the plan submitted by Rochambeau, and pointed out that "unless the ships sent by M. Des Touches should happen upon Arnold whilst he was embarked and moving from one point to another, they would have little prospect of success." Believing that he might count upon the whole French fleet, he announced the detachment of one thousand two hundred light infantry to proceed by the Head of Elk to coöperate at Portsmouth.

When this letter was received it was too late to follow the advice given, though Des Touches,<sup>75</sup> somewhat vaguely, promised to hold the remainder of his fleet in readiness to protect the flying squadron. When De Tilly returned, on the 24th, the French commanders finally realized Washington's sense of the importance of the operation against Arnold, and immediately began preparations according to his original plan. Of land forces Rochambeau<sup>76</sup> provided one thousand two hundred and twenty men under Baron de Viomenil, with four twelve pounders, four four pounders, and four mortars. Though Des Touches was aware that the America, re-

---

<sup>72</sup> Clinton to Arnold, February 18 and March 1, 1781.

<sup>73</sup> Rochambeau's MS. Letter Book, p. 225.

<sup>74</sup> Sparks's Writings of Washington, VII., 411.

<sup>75</sup> Sparks's Writings of Washington, VII., 424.

<sup>76</sup> Rochambeau's MS. Letter Book, February 25, 1781.



ported lost in the storm of January 22, had returned, that the Bedford had been remasted, and that haste was of the essence of the enterprise, two full weeks were consumed in preparations for sea, a commentary on French seamanship and on the protection Des Touches would have been able to afford his squadron three weeks earlier.<sup>77</sup> Even after the fleet was reported ready, with a wind "favorable to them and as adverse to the enemy as Heaven could furnish," a delay of twenty-four hours settled the fate of the coöperation.

Meantime letters from Jefferson<sup>78</sup> and Greene<sup>79</sup> excited more and more keenly the interest of Washington. By letters of the 22d to Des Touches,<sup>80</sup> and of the 26th to Rochambeau,<sup>81</sup> he enforced the gravity of the southern situation, and on March 2, after receiving intelligence of Cornwallis's threatened passage of the Dan, he set out to Newport to emphasize in person the urgency of the affair.

On February 20 Lafayette received his instructions, and, at Peekskill, took command of the detachment destined for Virginia. He set out immediately by way of Pompton, Morristown, and Trenton, at which place he took water passage down the Delaware. At Morristown he was joined by the New Hampshire line, making his force one thousand two hundred men in all.<sup>82</sup> So energetic were his movements that on March 3 the detachment reached the head of Elk three days in advance of Washington's calculation.

<sup>77</sup> If refitting the *Romulus* caused the delay, her capture may be added to the evil results of De Tilly's expedition.

<sup>78</sup> Jefferson's MS. Letter Book, February 12, 1781.

<sup>79</sup> Dated "On the Dan River;" Greene's Greene, III., 175.

<sup>80</sup> Sparks's Writings of Washington, VII., 424.

<sup>81</sup> Rochambeau's MS. Letter Book.

<sup>82</sup> The detachment was designated light infantry, and was divided into three regiments, as follows: First Regiment, Col. Vose, eight companies, Massachusetts line; Second Regiment, Lieut. Col. Gimat, two companies, Massachusetts line, five companies, Connecticut line, and one company, Rhode Island line; Third Regiment, Lieut. Col. Barber, five companies, New Jersey line, two companies, New Hampshire line, and one company of Gen. Hagen's Regiment. At Philadelphia a battery under Col. Ebenezer Stevens was added. *Journal of Lieut. Ebenezer Wild. Proc. Mass. Hist. Soc., October and November, 1890.*

Lafayette's instructions<sup>83</sup> show that Washington had already been informed of De Tilly's expedition, but trusted that his subsequent recommendations would be accepted, at least to the extent of full naval coöperation.

Nevertheless, after learning that Des Touches's departure was dependent upon, and to be arranged for after, De Tilly's return, he foresaw the probability of British anticipation in the Chesapeake, and on February 27 ordered Lafayette "on no account to leave the Elk river until it is ascertained beyond a doubt that our friends are below."<sup>84</sup> Impatient to be in at the death, and dreading lest his countrymen on board the fleet should reap all the glory at Portsmouth, Lafayette disregarded the letter of this injunction. On the 9th, having at length secured transportation, he ventured to set out for Annapolis escorted by several small armed vessels. Here he left the detachment, and, accompanied by the Count de Charlus, son of the Minister of Marine, he proceeded down the bay in a small boat to enforce his demand for a more secure escort, and to superintend the preparations about Portsmouth.

This was the next to the last act in the original plan of co-operation. Two days after his landing at Yorktown on the 14th, Arbuthnot overtook the French fleet off Cape Henlopen, and Des Touches returned to Newport after an engagement commonly referred to as a drawn battle, but which totally destroyed the hopes and plans of the allied commanders.

Mr. Jefferson received the first news that came to Virginia of the intended reënforcement from the North. Washington's letter of February 21<sup>85</sup> reached him seven days later, and forthwith new measures were set on foot for concerted action. In order to appreciate the embarrassments that followed it will be desirable to examine briefly the military resources and military organization of the State, and the demands that had previously been made upon both. Losses by

<sup>83</sup>Dated Windsor, February 20, 1781.

<sup>84</sup>Sparks's Writings of Washington, VII., 440.

<sup>85</sup>Jefferson's Correspondence. Randolph, I., 212.

previous hostile incursions, and contributions of equipments to the Continental line will not be regarded, though Mr. Jefferson attributed his present distress largely to the latter. Writing to Gen. Gates, on February 17, 1781, he said: "I have been knocking at the door of Congress for aids of all kinds, but especially of arms, ever since the middle of summer. The Speaker, Harrison, is gone to be heard on that subject. Justice, indeed, requires that we should be aided powerfully. Yet if they would repay us the arms we have lent them, we should give the enemy trouble, though abandoned to ourselves."<sup>86</sup> It will be understood that Virginia had borne her proportion of the six years' warfare. Occasion for surprise will be found, not in the fact that her resources were low, but in that her government had not learned to use and husband them better. Unsatisfactory as was the process of recruiting the Continental line, even more difficult was the work of equipping and arming all classes of men for the field. Virginia was practically dependent upon the Northern States and foreign countries for all kinds of manufactured articles.<sup>87</sup> Lack of clothing unfitted the recruits for service almost as much as lack of arms. Cloth, shoes, hats, and cartouche boxes had to be wrung from the scanty resources of Congress until the arrival of the supply which Franklin received from France in March. Uniforms<sup>88</sup> were of course out of the question, and a regimental coat was so unknown in the upper counties that the appearance of a lieutenant and his detail, equipped with some martial pretensions, spread the news that the British were coming, and caused a temporary flight of the legislature from Staunton.<sup>89</sup> Though lead, saltpeter, and sulphur were abundantly found within the limits of Virginia, powder and ball were always

---

<sup>86</sup> Jefferson's Correspondence. Randolph, I., 210.

<sup>87</sup> On February 21 Mr. Jefferson wrote to Col. Davies, in charge of the recruits at Chesterfield C. H., that he had on hand a large supply of deer skins, but nobody to dress them. These he was willing to supply if Davies had anybody who could make them into breeches.

<sup>88</sup> No uniform was prescribed for the Continental army until the General Orders of October 2, 1779.

<sup>89</sup> Narrative of My Life. Francis T. Brooke, Richmond, 1849.

wanting, and the workmen at the lead mines finally contrived to cut off the whole supply by losing the vein.<sup>90</sup> Immediately after the Richmond Convention of 1775, manufactories of powder, cannon, and small arms were put in operation at Westham.<sup>91</sup> Simcoe says the foundry was a very complete one, but its destruction, during his January raid, left Greene's army, as well as Virginia, dependent upon the gun factory<sup>92</sup> and the iron works of Mr. Hunter, both at Fredericksburg. Whatever may have been the capacity of these shops, it is safe to say that during this winter and spring the enemy captured in magazines many more muskets than their total output.<sup>93</sup> It is very possible to criticise the dispositions that led to these losses, and difficult to overestimate the task of replacing them. Even when arms could be purchased, transportation by water was barred by the British war ships and privateers, and overland, wagons were to be procured only by impressment.<sup>94</sup> As an instance of these difficulties and dangers the chief supply of arms (1,100 stand) received by Virginia during 1781 was sent out from Nantes the preceding year in the ship *Committee*. The vessel was captured by an English privateer, recaptured by an American privateer, brought into Providence, R. I., and one-half of the cargo of two thousand two hundred muskets adjudged to the captor. At least a year elapsed between the purchase and the receipt. Efforts were first made to forward them by land, then by the French naval expeditions of February and March. Finally they were forwarded overland, and as wagons were not to be hired they were impressed. The arms were not available until June, 1781.

Beside the ill-equipped regiments with Greene<sup>95</sup> she had

<sup>90</sup> Jefferson's MS. Letter Book, 1781.

<sup>91</sup> Richmond, the Capital of Virginia: Its History. John P. Little, Richmond, 1851, p. 26.

<sup>92</sup> The gun factory was conducted by Col. Dick. Journal of the Council, 1781, February 7.

<sup>93</sup> See losses at Richmond, Petersburg, Point of Fork, Charlottesville, etc.

<sup>94</sup> Luzerne to Des Touches, January 2, 1781, and Letter of Samuel Nightingale, dated Providence, December 6, 1780. Bland Papers, II., 30 and 39. Jefferson to Washington, May 28, 1781. Correspondence, I., 222.

<sup>95</sup> Under Col. Greene and Col. Hawes.

no Continentals in the field. A return of the so-called State Establishment, dated February 6, shows:<sup>96</sup>

First State Regiment, 192 noncommissioned officers and privates.

Second State Regiment, 30 noncommissioned officers and privates.

State Garrison Regiment, 176 noncommissioned officers and privates.

State Artillery Regiment, no more than will form one company (serving with Greene).

About two hundred of these had been ordered to join Clarke's expedition to the Northwest, on account of the refusal of the militia of Berkeley and Frederick to accompany that officer. The remainder formed a scarecrow battalion guarding the prisoners of war.

Though the act for recruiting this State's quota of troops to serve in the Continental army<sup>97</sup> had been repeatedly amended, and debated by the assembly for a full month, its provisions were so lacking in vigor and directness as practically to defeat its declared purpose. No draft could take place under sixty days, and in many cases at least ninety days must have expired before the eighteen months' recruit could reach the rendezvous. It was so vicious in its bounty system that a recruiting officer declared it would "produce two deserters for one soldier."<sup>98</sup> Though its theoretical basis was a complete return of the State militia, several weeks after its passage Mr. Jefferson, in a circular letter to the county lieutenants, observes that "notwithstanding the requisition I made you six months ago for a return of your militia, you have not been pleased to comply with it."<sup>99</sup> He constantly repeats this demand until the end of February, 1780.<sup>100</sup> The substitute system, and the criminal provisions of law that required the arrest, trial, conviction, and sentence of delinquent militiamen and others, to serve a term in the line, utterly destroyed its morale and brought the honorable calling of the soldier into disfavor. Great numbers of people

---

<sup>96</sup> Journal of Council, p. 33.

<sup>97</sup> 10 Hening, 326. Introduced by Mr. Starke, November 27, 1780. Passed December 28, 1780. Journal of the House of Delegates, 1780.

<sup>98</sup> Davies to Steuben, March 10. Steuben's MS. Papers, Vol. VI.

<sup>99</sup> Jefferson's MS. Letter Book, January 19, 1781.

<sup>100</sup> Jefferson to Steuben, January 19, 1781.



were tired of war, and their sentiments added to the inherent futility of the act. The back counties would have none of it, and "Augusta and Rockbridge have prevented it by force."<sup>101</sup> Children and dwarfs, according to Steuben, were forwarded to the rendezvous, and on March 5 the Governor laid before the General Assembly a letter from that general declining to receive certain recruits as totally unfit for service.<sup>102</sup> Finally, at the middle of May, only one hundred and fifty recruits were provided with arms,<sup>103</sup> and by the end of that month five hundred and fifty in all of the three thousand required by the Act had been collected.<sup>104</sup>

It is true that the execution of the Act for recruiting was suspended by the Executive in those counties whose militia had been called into service—a tenderness for the people that evinces the responsiveness of a democratic government rather than appreciation of the military crisis. Yet not more than one-twelfth of the militia were ever in the field, while little more than one-sixth of the Continental quota was being recruited. Mr. Jefferson correctly regarded this interruption of recruiting as among the worst consequences of Arnold's invasion, but the proportion above indicated between the militia in service and the deficiency in the quota tends to confirm the preceding reflections upon the system.

It must be borne in mind that none of the Virginia Continental line recruited during 1781 were ever available for service outside of the State until active operations in Virginia had ceased with the capitulation of Yorktown. The regiment of Col. Greene, dispatched in December, 1780, and a detachment of four hundred men under Lieut. Col. Campbell that left Chesterfield C. H. on February 25 following, both recruited during the preceding year, were the only reinforcements that Steuben found it possible to forward to the southern army, though the original object of his command in Vir-

---

<sup>101</sup> Davies to Steuben, May 24. Steuben's MS. Papers, Vol. VIII.

<sup>102</sup> Jefferson to the Speaker of the House of Delegates. MS. Letter Book.

<sup>103</sup> Steuben to Greene, May 15. Greene MS. Papers.

<sup>104</sup> Steuben to Lafayette, May 20. Steuben's MS. Papers, Vol. VIII.

ginia had been the organization of her Continental quota in support of Gen. Greene.<sup>105</sup>

Returning now to the demands upon the Virginia militia, a brief summary of events will enable us to resume the continuous narrative of the campaign where it was interrupted on the first arrival of Lafayette in Virginia.

Forbearing further reference to the detachment under George Rogers Clarke (as only indirectly connected with the purpose of this paper), we left Gen. Muhlenberg and about three thousand seven hundred militia endeavoring to restrain Arnold at Portsmouth. There was also a small detachment serving with Gen. Greene, but their three months' term of enlistment expiring with the end of January, notwithstanding the critical situation of affairs in that quarter, they even refuse to escort the Cowpens prisoners to a place of safety, and force Gen. Stevens to march them homeward as rapidly as possible in order to save their arms from being dispersed.<sup>106</sup> Retiring with a mere handful of men, before Cornwallis's rapid advance, Greene crossed the Dan river on February 14. The news of his helpless situation was exaggerated by reports that Cornwallis had also crossed that river with five thousand men and was in march toward Petersburg.<sup>107</sup> Jefferson issues orders with promptness, and the militia respond with more alacrity than common. Upon the first news he proposes to send reënforcements of two thousand seven hundred and sixty-four men.<sup>108</sup> On the 15th Col. C. Lynch is requested to raise volunteers in Bedford.<sup>108</sup> On the same day circular letters to the county lieutenants of Washington, Montgomery, and Botetourt call for five hundred riflemen, and Pittsylvania and Henry are required to furnish four hundred and eighty militiamen—"the latter will want arms."<sup>108</sup> The four hundred regulars at Chesterfield

---

<sup>105</sup> Kapps's Steuben, pp. 402, 403.

<sup>106</sup> Girardin, *History of Virginia* (Burk's, Vol. IV.), and Stevens's letters of January 24 and February 8, pp. 477-479. They were disbanded at Pittsylvania C. H.

<sup>107</sup> Arnold to Clinton, February 25, 1781. Clinton-Cornwallis Controversy.

<sup>108</sup> Jefferson's MS. Letter Book, 1781.

C. H. received definite orders to march, and eight hundred riflemen from Rockbridge, Augusta, Rockingham, and Shenandoah, already embodied under Muhlenberg, are designed to proceed under Lawson, "if they can be induced to go willingly."<sup>108</sup> On the 17th Jefferson sends Greene full powers to call militia into service, and advises the Charlotte militia, under Col. T. Read, to support that general. The very interesting situation at Portsmouth, and the detachment of the riflemen caused Steuben to recommend a further reinforcement to Muhlenburg, which, as has been already stated, was ordered from Loudon, Fairfax, Prince William, and Fauquier.<sup>109</sup> On the 18th Cornwallis is reported to have reached Boyd's Ferry, and Lunenburg, Amelia, Powhatan, Cumberland, and Brunswick are ordered to send to that point all the men they can arm, while Dinwiddie and Chesterfield are to embody and wait further orders at Watkins's mill.<sup>108</sup> On the same day the prisoner troops of convention<sup>110</sup> are ordered up the valley, "keeping below the Blue Ridge," and Maj. McGill directed to proceed to Greene's headquarters and by means of a line of expresses from thence to Richmond keep the Executive informed of the movements of both armies, and the calls to be made on Virginia.<sup>111</sup>

The first reports from the militia were very flattering. The spirit of opposition among the people, stimulated by the public prints,<sup>112</sup> was universal, and the number embodied was said to be limited only by the supply of arms.<sup>113</sup> The North Carolina militia were also rallying under Gens. Eaton and Butler. The retirement of Cornwallis to Hillsborough was generally regarded as due to a wholesome fear of their prowess. It is difficult to say precisely what was the total strength of

<sup>109</sup> Amounting to 1,090 men. Jefferson's MS. Letter Book, February 22, 1781, ante p. 189.

<sup>110</sup> Col. Wood, commanding the guard, is informed on the 21st: "The meeting of the Assembly on Thursday sennight is relied on to furnish us with money, of which we have not at present one shilling."

<sup>111</sup> Jefferson's MS. Letter Book, 1781.

<sup>112</sup> "If our countrymen turn out with spirit, the capture of Lord Cornwallis's army is inevitable as fate, and will close the scene of the southern war." *Virginia Gazette*, February 17, 1781.

<sup>113</sup> Jefferson to Washington, February 26. MS. Letter Book, 1781.

the Virginian militia under Stevens and Lawson at the battle of Guilford. Five days before the battle Greene had between eight and nine hundred, only thirty of whom were Carolinians, and he wrote to Jefferson that, though near five thousand have been in motion for the past few weeks, they came and went so irregularly that he could make no calculation on the strength of his army.<sup>114</sup> Of the two thousand seven hundred and fifty-three militia officially reported as present at Guilford (March 15), it is probable that considerably more than one-half were Virginians.<sup>115</sup> Their enthusiasm, however, was short-lived. On March 19 Jefferson wrote:<sup>116</sup> "I find that we have deceived ourselves not a little by counting on the whole numbers of militia which have been in motion as if they had all remained with Gen. Greene, when in fact they seem only to have visited and quitted him." Greene hastened to report the fact, and to represent the necessity of fresh support. The defection was doubly unfortunate, as every energy was being called into play to cooperate with the French and Lafayette about Portsmouth. Steuben advised the detachment of two thousand men from Muhlenberg's command, and ably defended his plan,<sup>117</sup> but upon the arrival of Phillips with a British reënforcement he was overruled by the Council.<sup>118</sup> Such a counter stroke was in accordance with the Napoleonic maxim and the practice of Robert Lee, and if conducted by an officer such as Stone-

---

<sup>114</sup> Greene to Jefferson, May 10. Greene MSS. quoted by Girardin, p. 482.

<sup>115</sup> Girardin (Burk, IV., 482) gives the following estimate of the Virginian militia at the battle of Guilford: From Muhlenberg's command (Lawson), 500; from Pittsylvania and Henry (Stevens), 2; from Montgomery and Bottetourt (Preston), 300; from Washington County (Campbell), 60; from Bedford County (Lynch), 300. Total, 1,160 plus Stevens's Brigade. Jefferson (MS. Letter Book, 1781, March 8), from reports of McGill and others, gives the following estimate of the Virginian militia at the battle of Guilford: From Muhlenberg's command (Lawson), 1,000 (stated to be probably exaggerated); from Pittsylvania and Henry (Stevens), 700 (only 480 were called); from Montgomery and Bottetourt (Preston), 400; from Washington County (Campbell), 600; from Bedford County (Lynch), 300. Total, 3,000.

<sup>116</sup> Jefferson to President of Congress and Gen. Washington, MS. Letter Book, 1781.

<sup>117</sup> Kapps's Steuben, p. 415.

<sup>118</sup> MS. Journal of the Council, 1781, p. 101.

wall Jackson would have infallibly drawn the British forces in Virginia to the Carolinas. On March 29 two thousand two hundred and fifty-three militia from practically the same counties as on the former call were ordered to the southward, but Mr. Jefferson writes to Greene that the new militia cannot reach him before the former retire.<sup>119</sup> Thus the resources of the State are dissipated, both Greene and Steuben are crippled, and several hundred more patriots retire upon the budding laurels of a two months' enlistment.

Meanwhile the rigors of a winter campaign, more trying to the undisciplined soldier<sup>120</sup> than the fury of a pitched battle, is telling upon the militia called out in January to oppose Arnold. Badly clothed, ill-fed, without tents, and with scantiest provision for the sick, desertion becomes rife, and the utmost exertions of government are required to keep a force in the field. From beyond the Dismal Swamp, about the middle of February, Mr. Loyall reported that four hundred militia of Princess Anne and Norfolk embodied at North-west Bridge were so dispirited from lack of communication with the main army as to contemplate laying down their arms.<sup>121</sup> This temper is not confined to Princess Anne and Norfolk, whose situation, among many loyalists and peculiarly exposed to the activity of the partisan Simcoe, was more distressing than that of their compatriots. On February 24 Jefferson writes to Steuben that the nakedness of the militia at Williamsburg has almost produced a mutiny, and adds: "You will judge from the temper of these militia how little prospect there is of your availing yourself of their aid on the south side of the river, should you require it."<sup>122</sup> Inability to coerce, forces upon the executive the pernicious device of calling upon the neighboring militia for temporary service.

---

<sup>119</sup> Jefferson to Greene, MS. Letter Book, March 29 and April 1, 1781.

<sup>120</sup> "In battle the ardor of youth often appears to shame the cool indifference of the old soldier; but when the strife is between the malice of fortune and fortitude, between human endurance and accumulating hardships, the veteran becomes truly formidable, when the young soldier resigns himself to despair." Napier's *Peninsular War*, Book I., pp. 89, 90.

<sup>121</sup> Jefferson's MS. Letter Book, February 17, 1781.

<sup>122</sup> Jefferson's MS. Letter Book, February 24, 1781.



Accordingly on the 24th the county lieutenants of James City, York, Warwick, Elizabeth City, and City of Williamsburg are directed to take the places of the recalcitrants until the arrival of the musters from the Potomac counties, called out the preceding week.<sup>123</sup> During all of the last week in February both Arnold and the Virginians continue to be uncertain as to what may be expected from the French squadron of De Tilly. On the 21st Jefferson, believing that the fleet is on a temporary cruise, directs Nelson to continue the preparations against Portsmouth,<sup>124</sup> and on the 26th reports to Washington that Muhlenberg has closed up around Portsmouth, because the French fleet has relieved him of the apprehension that Arnold's shipping might take him in the rear by way of the Nansemond river.<sup>125</sup> Mr. Jefferson received on February 28 the news of the detachment of Lafayette from the main army to Virginia. During the remainder of the campaign, though interrupted by the confirmation of Des Touches's failure, and diverted by the incursions of Phillips and Cornwallis, practically the whole strength of Virginia was devoted to coöperation in the general plan laid down by Washington in his instructions to Lafayette dated at New Windsor February 20. Though the accomplishment of this plan was delayed for six months, and the scene shifted from Portsmouth to Yorktown, the postponement of fruition led, through means originally un hoped for, and through the disappointment of other and equally cherished plans, to the result that the forces of Arnold, Phillips, Leslie, and Cornwallis were finally ensnared in the trap that had originally been laid for Arnold alone.<sup>126</sup> The arrival of the British reënforce-

---

<sup>123</sup> Jefferson's MS. Letter Book, February 24, 1781.

<sup>124</sup> Jefferson's MS. Letter Book, February 21, 1781.

<sup>125</sup> Jefferson's MS. Letter Book, February 26, 1781.

<sup>126</sup> It is of course known that Arnold was superseded by the arrival of Maj. Gen. Phillips in the Chesapeake, March 26, 1781. By letter of March 24, Clinton had directed Phillips to send Arnold to New York, "if you should not have particular occasion for his services." This letter was received by Cornwallis May 20, after the death of Phillips, and on May 26 Cornwallis writes Clinton that he has "consented to the request of Brig. Gen. Arnold to go to New York."

ments under Phillips, the junction of the forces of that general with Cornwallis in the face of Lafayette at Petersburg, the successful marches and countermarches of that young officer toward and from the head waters of the James, the coöperative movements of the French land and naval forces, and the culmination of the campaign at Yorktown in the following October, furnish material for separate chapters in the history of a memorable year.

FRANCIS RIVES LASSITER.

## THE FUNCTIONS OF A STATE HISTORY.

THE recent "uniform text-book law" has led to the publication of two histories of Tennessee for use as text-books in the public schools of the State.<sup>1</sup> Three questions at once present themselves: Are they good text-books? Are they trustworthy histories? What should be the scope and plan of a State history?

Prof. McGee's book is a small, illustrated volume, chronologically arranged, addressed "To the Girls and Boys of Tennessee," and written in a fairly acceptable literary style, adapted to their comprehension. Mechanically speaking, the book is well made; and from the historical point of view the narrative commends itself, save in rare passages, as simple, truthful, fair, and complete, though necessarily not full and thorough.

One or two points deserve public criticism. The name of the Spanish Governor, "Miro," is used without comment for the district which by custom and official sanction has been designated "Mero." The description of the Tennessee Centennial Exposition is beneath the dignity of the book. In part it is silly and detracts from the high plane of æsthetic and historic merit upon which that enterprise was conceived and executed, and in part it is inadequate. Nowhere has the author a word upon the historic style of architecture, pure Greek and colonial, exemplified in the chief buildings; and though the Exposition is the event chosen to furnish the

---

<sup>1</sup> "A History of Tennessee, from 1663 to 1900," for Use in Schools, by G. R. McGee, Principal of College Street School, Jackson, Tenn., pp. 278 and xxxix. The American Book Company, Cincinnati.

"History of Tennessee: Its People and Its Institutions." By William Robertson Garrett, A.M., Ph.D., Professor of American History and Dean of the Peabody Normal College, and Editor of the *American Historical Magazine*, and Albert Virgil Goodpasture, A.M., formerly Clerk of the Supreme Court of Tennessee, pp. 351. Brandon Printing Company, Nashville, Tenn.

frontispiece, the view selected is one in which the noblest building does not appear. But such faults can be easily remedied.

The general merits of the book are very well illustrated by the manner in which the author presents the delicate question of the Nickojack (another spelling is Nickajack) expedition, which was undertaken in 1794 by Gen. James Robertson, against the orders of his superiors. "Finally," says McGee in his narrative, "the patience of Robertson and of every one else came to an end, and they determined to disobey their rulers and give the Creeks and Chickamaugas a taste of Sevier's methods with the Cherokees." "When the report of the expedition reached the ears of the officials, there was a great stir. The Secretary of War wrote a severe letter to Gov. Blount, and Gov. Blount wrote a stinging reproof to Gen. Robertson, and Gen. Robertson wrote a sharp reply, in which he said, in effect, that he and the Cumberland people did not intend to sit still and be scalped by the Indians while the officials were passing compliments with the Spaniards; and if they did not like his way of doing, they might get some one else to serve as brigadier general. But he was too valuable a man to dismiss from office, and here the matter ended. The Indian wars in Middle Tennessee also ended, except a few raids of little importance, though very annoying."

Here every essential fact is stated, and no integral phase of the incident is suppressed or discolored. Yet every question which a keen-minded child could ask is discreetly answered. The people of the Cumberland settlements reverted temporarily to the "original right of revolution," and their conduct must be judged by revolutionary and not by legal standards.

Garrett and Goodpasture's book contains fully a third more material than McGee's, is fuller of details (perhaps too full), and must be put into the hands of older pupils. It is scrupulously accurate in the statement of facts; but in point of literary finish and mechanical execution there is much to be desired. A good style and an artistic book can do much to

cultivate the taste of the pupil and reduce the tedium of his tasks.

So far as the matter is concerned it must be duly recognized that the authors have made an authoritative compendium of Tennessee history in a small compass and in a form fairly convenient for reference. They have made accessible all that is valuable in Haywood, Ramsay and Phelan; besides correcting some errors and adding some new material. No one is better informed than they upon the subjects of public lands and Indian cessions. The new maps illustrating these subjects and the annotated catalogue of Indian treaties are material contributions to the history of the State, though, as the authors confess, they would be of questionable propriety in a book intended merely for a text-book.

But there is something radically wrong with the method of presentation which they have adopted. The story of the period after 1820, in particular, is little more than a chronological catalogue of events and a series of biographical sketches. There is no unity of conception, and there is no development of thought. One instance will illustrate:

The constitution of 1796 made the Governor and Legislature elective by popular vote, and the other officers appointive. The judiciary was the creature of the Legislature, and was without the modern constitutional guarantees of independence. The bulk of the power was placed in the hands of a Legislature that was frequently renewed, and only therein lay the trusted safeguard to popular liberty. In this respect the constitution resembled the average constitution of that period. But after a while a democratizing spirit spread abroad throughout the land, as Bryce and others have pointed out. The people of Tennessee, as of other States, sought to control public affairs more directly and to safeguard their rights by making the departments of government quite independent of each other and by filling the offices, local and general, by direct popular election.

The constitution of 1796 also provided that no hundred acres of land should be taxed more than any other hundred; nor any town lot or free poll more than a hundred acres,



nor slave poll more than two hundred. But after a while the influence of the land speculators began to wane, the parcels of land began to differentiate in value, and there was relatively more personal property.

The constitution of 1834 registers the fact that both movements had grown strong enough at that time to secure a revision of the outgrown and hence inequitable and absurd provisions of the old constitution. But the democratizing movement did not reach its climax until the judges of the Supreme Court in 1853 were made elective by popular vote for terms of eight years; and it was not until the constitution of 1870 was adopted that "all" property, without distinction, was made taxable at its value. These changes are along a determinable line, methodical, of the nature of a growth, and hence organic; but the narrative before us fails to make it clear.

It is truly a difficult problem to handle the details of history wisely. They number a thousand and one. Each one, by itself considered, seems to deserve a place in some permanent accessible record; while space and literary style often forbid. How shall the selection be made? There seems to be a reasonable rule, but it is much easier to state this rule than to apply it. Some details of time, place, and circumstance are necessary as pegs upon which to hang the narrative; there must be enough to give the narrative strength and firmness, but more than enough are useless or worse. Some details are needed to give the lights and shades to the word picture which the historian has created and would present; but too many will spoil the effect. Some details are necessary to illustrate a proposition or demonstrate a law. However great the mass of material which the author has had to examine, however laborious his task in formulating his proposition or testing his rule, he must present it in the simplest and briefest way possible. He must have something definite to say, which is the product of his investigations and the fruit of his meditations; and this he must say succinctly, clearly and strongly.

The contrast between two selected passages will illustrate.

Few passages in either book excel those chapters in which the latter describes the campaigns of the civil war in Tennessee. These movements were carried out on a large scale; yet there was an underlying plan, and the authors succeed in making it very plain and simple. In this case others had elaborated the story which it became their function to epitomize. The reconstruction period, on the other hand, is a comparatively unworked field. They make no statement concerning it to which exception need be taken in point of taste or truth; and the details they give are not unwelcome. But their facts are undigested, and so seem pointless. Their facts should be so grouped as to illustrate some pregnant sentences like these from McGee's story of the same period. The disfranchisement of those who had taken part in the war on the side of the South, says McGee, "placed the control of the State in the hands of the minority of the people." "Those who were not allowed to vote became indignant and defiant, and opposed and embarrassed the State government in every possible way." The reconstruction period "exhibited in its details almost every phase of the stormiest revolutionary tendencies, and the vilest political and personal animosities." The turning point came after Brownlow had been elected to the United States Senate and Senter, who was filling out the gubernatorial term, had become a candidate for election to that office before the people. "Senter now had the same power that Brownlow had in 1867, and he used it to have himself elected. He ordered the election commissioners to issue certificates, or permits to vote, to all actual citizens of the State, . . . and the State government was again in the hands of officers elected by a majority of all the people." What a commentary these sentences are upon the deeds of that passionate period; deeds, many of which were criminal and few of which have escaped misrepresentation and *ex parte* condemnation!

The problem of handling details affects every historian and must be settled by each according to the subject, scope, and purpose of his allotted task. Still another question confronts the State historian. He is perplexed to draw the right line

between State and national topics. For example, how much space should be allotted to the war of 1812-15 in a history of the State of Tennessee? This war was national, and the question resolves itself into another: How does the part which Tennessee and Tennesseans contributed to the prosecution of this war compare in interest and importance with other incidents which claim consideration in a history of the State? How far was she involved in the war, and what did she contribute?

Though the war was not fought within her borders, she contributed the services of her most famous son, whose claims to military greatness rest largely upon his achievements at this time. It is really quite easy to demonstrate his military genius by his conduct in the field, and it should be done. Tennessee also contributed soldiers, volunteers under act of the national Congress and militia levied under act of the Legislature and mustered into the service of the United States. These soldiers were the victors of New Orleans, but also the mutineers of Fort Strother. Of course the truth must be made plain, whether the troops are vindicated or not. But it would seem that the line along which the truth may most successfully be sought and along which vindication is most likely to be found is in the examination of the systems of national volunteering and of the State militia then in vogue. Neither of these institutions is treated in either book before us. To be sure one is a national institution and the other was common to all States. But (1) they concern Tennessee affairs very intimately; (2) no one can expect to appreciate the problem in Tennessee fully unless he is reasonably familiar with the experience of other States and sections with the same institution; and (3) finally, also, it is due the reader that he should know how far Tennessee's experience is typical and how far peculiar.

There is something inspiring in the thought of a community of industrious freemen who at first alarm leave their vocations, form in martial array, defend their homes and institutions, and, immediately disbanding, return to the enjoyment of the liberties they have vindicated. Against the sav-

ages the militia system had generally been successful. Although there was occasional criticism, it is rather doubtful whether the pioneers would have endured a more rigorous military discipline. But it had its weak side, which was occasionally brought to notice and which infected also the volunteer system. Too much power lay with the rank and file. The officers, the equals of the men in peace, led them by their personal influence rather than by their authority as commanders; and the men were habituated to short terms of service. Satisfied to have scotched the snake, the soldiers were ready to disband, lacking the spirit of self-sacrifice, the military foresight, and the discipline necessary to make the effort to kill it and deliver themselves once for all from its dangers.

In the case before us, certain men who had volunteered for "one year in two" had been rendezvoused at Nashville on December 10, 1812. They made the expedition to Natchez and, returning by the Natchez Trace, had been "dismissed" by Jackson at Columbia in February, 1813. In the autumn, they were called out again by Jackson for the Creek campaign. The Indians were quickly defeated but not subdued, and the fateful date, December 10, was approaching. Would their term of service expire on that date? Or were they bound to serve three hundred and sixty-five days under arms, with the privilege of discharge not later than December 10, 1814? The militia also had been called out to assist in this campaign. But the length of service was not specified in the act; was it therefore for the traditional three months or for the war? The troops, suffering from lack of supplies and other hardships, interpreting the terms of enlistment in their own favor and ill brooking discipline, found themselves confronted by a soldier gifted with the military sagacity to see that the campaign must be continued at almost any cost. Further, he was possessed of a firmness of character that under untoward circumstances became obstinacy and of a personal courage that sometimes led to foolhardy acts. In this case that "desperate courage," that sometimes "makes one a majority" triumphed, and the

troops were held, at least until recruits could be sent up; and the power of the Creeks was forever broken. Under a better system the men could not so easily have exposed themselves to the stigma of mutiny; under a better system the commander would not have had either opportunity or need to bully his troops; while under a less firm and sagacious commander the campaign would have been abandoned and the Creeks would have remained as serious a menace as ever.

This may throw some light upon the inquiry how far the State historian may be justified in branching out into the domain of sectional or national history. From another point of view the inquiry may be raised: How far may we look to the State historian to supplement national history? Scarcely any question can be raised in pioneer history, in economic history, in politics, constitutional law, religion, or education, which is peculiar to a locality. With rare exceptions the problems are universal, the experiences are common, differing from place to place only in details. No national history of less than encyclopedic dimensions could treat every such question adequately. The ordinary national history, in order not to be unreasonably voluminous, must limit itself to a mere mention of the common points of each problem; which is very unsatisfactory. It is inadequate, and it therefore seems superficial. May it not properly be expected of the history of particular States to discuss such questions in detail, according to their local peculiarities? But if so, it must all the while be remembered that they have more than a local importance. They must be conceived by the investigator as general problems which by necessity he can investigate only in part, but to the solution of which he must bring his geographical quota.

Let us illustrate: The second history of Tennessee before us makes mention of the first bank, the first turnpike, the first railroad to be incorporated. Within limits the effort to enumerate "first" events in a series is unexceptionable; but if carried too far, the effect is to misplace historical emphasis. In particular, the authors neglect the opportunity to show what a tremendous institution the private corporation



chartered by the State has become. The national government has chartered a great system of banks and an occasional transportation company. But the great industrial monopolies, which are so conspicuous a topic in politics of late, and which offer some very serious problems in statesmanship, have grown great and threatening under the protection of State charters. What has Tennessee done to promote the growth of private corporations? What has she done toward the regulation of them? Can the States, as such, regulate them, or must the national government undertake it for all corporations doing an interstate business, as it has already undertaken the regulation of the railroads? Is the function of the State, in comparison with that of the national government, growing relatively less in spite of us? Such questions are not altogether speculative or academic, nor are they out of place in a book intended to educate intelligent citizens or to give the history of the State as an integral part of the nation.

Again, in this work Tennessee's entrance into the sisterhood of States is narrated fully and succinctly; but the event had a broader constitutional bearing than the authors indicate. "Relying upon the compact under which they had become a territory of the United States," the people of Tennessee "abandoned forever their condition of tutelage, and constituted themselves an independent people, demanding admission to the Union as a matter of contract right, with a firm purpose to continue as an independent State until that right should be recognized." Gov. Blount, holding office by federal appointment as governor of the "Territory South of the River Ohio," forwarded the constitution of Tennessee to Mr. Pickering, Secretary of State, and "notified him that when the General Assembly of Tennessee should meet on the twenty-eighth of March, the temporary government would cease;" and so it did. The State government was inaugurated in its place before the matter could be presented to Congress in any form. These facts, fully borne out by the evidence, are eloquent witnesses to the constitutional views of the Tennesseans of that time; and of Congress too, for the admis-

sion of Tennessee was by a party vote, the Federalists opposing. Was it not an earnest of the attitude which the Republicans would take toward the States when they should come into power? But things turned out differently, and the effect of the precedent was lost. The next Territories to seek admission—Ohio (1802), Louisiana (1812), Indiana (1816), Mississippi (1817), Illinois (1818), Alabama (1819), Missouri (1821), etc.—all humbly petitioned Congress to enable them to hold a constitutional convention. The occasion for this significant change in constitutional practice was, among other things, the simple one of self-interest. It was not for the interest of these Territories to wait and demand admission as a right when the terms of the compact were fulfilled, but to seek admission as a favor sooner, and especially to secure the donation of land which Congress seemed willing to confer.

Still again, after our authors have reached the Jacksonian period, when the domination of national parties began to be prominently felt in State politics, the narrative becomes monotonous. There does not seem to be much to say except that after another two years another State election was fought out largely on national issues, and the party in power, almost as a rule, lost. Yet these very prosy facts raise a very important, not to say vital, question of State government. Is it inevitable that the national should dominate the State politics? A survey of the history of Tennessee and her sister States shows that, as a rule and save in cases that are exceptional, national politics have universally and uniformly dominated. It is not difficult to infer that a fact thus universal is inevitable.

But be that as it may, we can take the fact as it stands and inquire into some of the consequences. One result is the neglect of State affairs. People overlook them or count them trivial, having their attention absorbed in a broader and more important field, forsooth. Secondly, consolidation goes on apace; the parts of the nation grow small, and the whole grows relatively large in popular estimation; the integral character of the State is dwarfed and stunted by the silent practice of its own citizens. What is to be the outcome? Are these

local State concerns to be made the football of national politics without protest? Or can there be a return to the pristine simplicity of State politics? Must the national government encroach more and more upon the sphere of the State because the State is failing to care for some things which the public cannot permit to be neglected? Or must the national government interfere because the great uniform interests of a consolidated public demand uniformity where the States, if they meddled, would inject confusion? Some think the tendency toward consolidation wise in itself. Others may simply think it so strong that the only course is to accommodate ourselves to it as best we may. Few are so blind to the facts as to think that the States can ever again hold the relative importance in our system of constitutional law and government that they once held without eliminating from our civilization some of the things with which we should regret to part. So do the eternal ages deal with the institutions of man's proposing.

But let these instances suffice for specific criticism. Enough has probably been said to suggest what we may reasonably ask of a State historian, and to show the chief merits and demerits of these books. McGee's book is so evidently adapted to the capacities of younger pupils that this feature must stand forth as a point of excellence together with its general accuracy, and it will escape the test of the more pretentious standards of judgment. But Garrett and Goodpasture's book is the latest, most accessible, most comprehensive, and most accurate history of the State, and the authors must accept responsibility for it as such. As a text-book for the advanced grades, and as a general history of the State, its chief excellences are the number and the accuracy of the facts which it records. Its defects are in literary style, historical perspective, and historical interpretation.

FREDERICK W. MOORE.

Vanderbilt University.

## AN AMERICAN POETIC DRAMA.<sup>1</sup>

A DRAMA is primarily a drama, and to be best judged when realistically visualized. It is essentially something that happens, and the happening has for *primum mobile*, character. It may be in verse or prose. In any case the poetry will consist less in the poeticalness of the speeches, or the sentiments expressed as such, than in the beauty of the action—that is, in its passional logic, its psychological fatality of progress. That the chief persons shall be interesting as men and women is indispensable; that some be attractive is desirable. What shall we say, then, of “Ghost of Rosalys?” It is not a good drama. Versification does not diminish, but increase, the necessity for stage technique; it militates against illusion, and thus against a full imaginative realization; it tempts the author to lyric, narrative, and rhetorical digression. So Mr. Moore cannot say: “It is a poem; judge it not by dramatic law.” Nor would he, for he has entitled it “A Play.”

Now his theme, first of all, is excellent. Joyeux loves Rosalys. Youth finds in idealizing passion the inspiration for a career. He will conquer the world for her, and is so busy conquering that he lets her die of ennui. Then he sets vigorously about wooing her ghost. First, as supposedly incarnate in another; then, in her unattainable spirit-being. This is much human history in brief. We all understand what is meant and that it is we who are concerned in the drama, not some other peculiar person.

The story, too, developing this theme of our strange human tendency to forget the end in the means, the essential in the adventitious, is interesting if fantastic.

Joyeux is the dupe of a scoundrel, what we call a “genius for great affairs;” the kind of man we reward these days with many millions and unremitting public attention. He

---

<sup>1</sup>“Ghost of Rosalys: A Play.” By Charles Leonard Moore. Times Printing House, Philadelphia. 1900.

sees his opportunity, and seizes it. Joyeux has great plans; Pierre Herode will furnish the money—at interest. Furthermore, he obligingly provides the men who will see to it that plans never die without heirs. Thus there will be a term to their amicable relations; Pierre Herode will turn the lord out of his manors to build air castles on nothing a year—and love, if he can get it! Truly, the entrance of Joyeux with the casket of jewels which postpones the calamity, in the very nick of time, is a dramatically thrilling event, the most truly such in the entire play. Shock after shock of vital electricity, and everything is *life* again and *hope*. But Rosalys would have it be also *love*. What is spoken by the couple to each other is very good poetry, but over-lyrical, and the splendid Cybele digression out of the question. Mr. Moore quite forgets his rôle as a dramatist, and becomes balladist; he narrates at length, in lieu of suggesting. Mother Gobre, who has been prowling about the manor, enters by the window as Joyeux and Rosalys retire from the scene, and filches the precious casket. We know now that the great pillar of the house has crashed, and that the roof only awaits a breath of wind to fall in upon the inmates.

Yes, on the whole, Act I. is good.

Act II. is stagnant. Clever and good things are spoken; but mere toasts do not constitute action, and Madelon, the witch's daughter, with her suspicious solicitations, and the threat of a duel by Isere, the cousin of Rosalys, can provide a curtain to be sure, but scarcely sufficient dramatic reason for all that has gone before.

In Act III. we are transported to the witch's den. Mother Gobre is shown to be a common "fraud." Our credulity is only taxed in supposing her boy quite so good a swimmer as to keep, otterlike, under the surface, moving swiftly in a circle till he creates a whirlpool, a bottomless abyss of water! Now, surely, this is a grave error in our dramatist. To render his miracles, by furnishing an explanation beforehand, dramatically uninteresting, and then to go in and ask in subsequent scenes that we accept uncomplainingly ghosts, devils, angels! Either I am credulous for the nonce, or I am skeptical. To



be both, as a spectator of the same drama, is difficult. One would think our poet had read Dr. Johnson's elaborate apologies for the supernatural in Shakespeare, and wanted to apprise us that he, of course, had no faith in magic, white or black.

And, frankly, the naïve illusion of Joyeux, who deems himself Adam in Paradise, making a first acquaintance with fire, with earth and sky, with himself, and with woman, is one that would require the utmost powers of make-believe in the spectator, whom unfortunately, the poet has rendered cynically critical by way of preparation. As a first result the Joyeux-Madelon episode becomes vulgar, revolting. So slight a miscalculation as to proper point of view for the audience will spoil all the poet's scenic labors. Raoul's loyal death to save the jewels of Joyeux from Pierre Herode, who has scented them and caused them to be dug up in the witch's cave, and then the trancelike duel in which Isere is killed by Joyeux provide some heroic bustle; but the curtain falls upon a mystification, or rather it fails to fall, it is pulled down by the poet. Now, Act IV. is to redeem the play. Rosalys lies on the bier and the two nuns that have been at their orisons are waxing nervous. Joyeux comes to take their place.

Now the audience is shocked. What? Joyeux dares come into the presence even of that corpse the very night of a vile orgy? True, he was imposed upon. True, he did not intend the sin. True, Madelon had a certain sensual fascination. Yet, would he not hold himself at all responsible? Not before the still purity of his dead wife? No penitence? No anguish of self-reproach? No shame? Surely this is psychologically monstrous!

And what does take place? The ghost of Rosalys comes to persuade him that monism is not true philosophy; that spiritism prevails! Joyeux, however, woos fiercely, he dances with her a ghastly reel; she vanishes and the dazed hero commits suicide over her bier, his head falling forward on the corpse.

Surely here the drama should have ended. And in spite

of Mr. Moore it does. What follows is disquisition in dialogue.

Now, in a vision-scene, Joyeux and Rosalys are united (mind you, not a word of the Madelon business!) and an angel is above them on the Jacob's stair, Lucifer below, each claiming his prey. The argument may be sublime. I do not say that it is not—only that it is irrelevant. Pages of astonishing verse—but no action.

Finally, a farewell between the two ghosts. Yet, though I premise that this latter portion is alien to the drama, let me observe, in passing, that it remains a mystery to me, at all events, why Rosalys is promoted to heaven and Joyeux sent back for purgatorial incarnations. He sinned? So did she! He, boldly? Is courage, then, the essence of evil? Alas, the anæmic virtues of a Rosalys, preferred to the reckless expenditure of energy in Joyeux? The petty vanities of a Rosalys, her fretful self-preoccupation, her mean small-mindedness, deemed less evil than the creative absorption of her husband in his Faustlike dreams of human perfection, than his sensual aberrations? Why should a poet like Mr. Charles Leonard Moore, well-traveled in Hellas, not unknown in Elizabethan English soil, confess to that perversion of ethical judgment whose ecclesiastical expression is Mariolatry?

Now, back from my digression. What shall I say of the poem? It has interested me. I have read it twice and scrupulously observed the poet at his work. I object personally to "does" and "dids" for the rhyme's sake; to "more fast," and "more bad" for no better reason; to "romance" with stress on the first syllable, and other like misaccentuations taken from vulgar speech; to "palls," "immuring"—that is, walling in—when they are but textile fabric; to numerous slips of this sort and verbal syntactical audacities that fail to commend themselves by dramatic effect or poetic charm. Yet Mr. Moore has given me considerable pleasure. He is better than his poem. He is alive. He has inspiration. He is ambitious. His is not a Pegasus that has to be thrashed to come to a mere trot. His has fed at

least on oats, if not always on ambrosia, and Mr. Moore, be it noted, could ride to perfection the usual mount of the contemporary versifier, but he prefers to be thrown by a mettlesome beast, to pick himself up, and vault again to the bareback, for another effort at rough riding! Congratulations!

Indeed, Mr. Moore, you show rare courage; and I think we will applaud *you* more for your failures (for we are Americans) than those dapper rhymsters who never err because they never dare.

Is it impertinent in a mere reviewer to tell the dramatist in Mr. Moore to take up the work of Mr. Moore the poet, and cut cruelly—away with “surplusage—” and bid him then get out a “second edition,” revised, with a good “imprint,” that he may see if all the public will remain indifferent to a good poetic drama, the story of which is well conceived and significant, and the theme universally human and attractive?

WILLIAM NORMAN GUTHRIE.

## THE BRONTË SISTERS.<sup>1</sup>

IN "the Haworth Edition" the Messrs. Smith, Elder & Co. in England, and the Messrs. Harper & Brothers in this country, have worked together intelligently toward bringing about a worthy memorial and a definitive edition of the works of the Brontë sisters. In the case of Mrs. Gaskell's "Life of Charlotte Brontë," with an Introduction and Notes by Mr. Clement K. Shorter, which constitutes the seventh volume of the edition and fittingly concludes the series, this has unquestionably been done. Nothing seems wanting that the reader has a right to know, and the lover of letters, both student and critic alike, will turn to this accurate and devoted edition for many years to come, and all future discussions of the "Life" must be based upon it. Of late years the Brontë "literature" has been steadily growing, and Mr. Shorter, in his "Charlotte Brontë and Her Circle" (London: Stodder & Houghton; New York: Dodd, Mead & Co., 1896), had evidenced his mastery over the material and all transmitted traditions. We now have letters complete that originally were given only in fragmentary form, and the chief additions (Charlotte's letters to her publishers—to Mr. Smith and Mr. Williams) reveal a new and growing side of her nature in the closing years of her life, without contradicting any former impressions. Indeed, the remarkable and interesting fact is that the total impression left by Mrs. Gaskell's sympathetic biography, written soon after Charlotte's death—the worthy tribute of one noble woman to another spiritually akin—is nowhere altered, but merely strengthened and confirmed by the fresh material and the fuller knowledge at hand. Looking back nearly half a century to a work written while the subject was still the tar-

---

<sup>1</sup>The Haworth Edition. "Life and Works of the Sisters Brontë." With Prefaces by Mrs. Humphry Ward, and an Introduction and Notes to the Life by Clement K. Shorter. In seven volumes. New York: Harper & Brothers. 1900.

get of numberless shafts of attack and much varied discussion, our admiration of the sympathy, tact, justice, and truth of Mrs. Gaskell's "Life" is unbounded. Mrs. Gaskell achieved an immortality by this linking of her name with that of her literary kinswoman of the Yorkshire moors.

All seven volumes are generously and interestingly interspersed with illustrations, many of them reproduced from photographs in order to visualize as far as possible the scenes and setting of the "Life" and novels. Thus, in the "Life" we are conducted to Haworth first by a "distant view;" then along the "Main Street" of the village, where the hard cobblestones of the narrow winding street and the steep ascent come out clear; and so to "the parsonage" above the church, crowning the hill like an Acropolis, and surrounded with gloomy rows of tombstones in place of flower beds. Farther beyond are the far-reaching wild Yorkshire moors and cloudland, suggesting the dusky variations of color they are said to possess. One may imagine himself wearily climbing the toilsome way through the village to the top, along with the Rev. Patrick Brontë, the new incumbent of Haworth, accompanied by a sick wife, the mother of six tiny children, five girls and one boy, the oldest being scarcely seven and the youngest a babe in her arms. The illustrations undoubtedly help to make handsome volumes of the set. The only drawback is, however interesting in themselves and admirable as pictures, they give an objective feeling of aloofness. The Brontë air is lacking. They are too modern, too coldly new and clean-looking, too comfortable even. It is an inevitable attribute of modern photographic art. The mental pictures of many of these scenes are warmer and softer, or harsher and uglier, it may be, as the imagination is feasted between the lines. In reproducing the associations of memory and imagination, the utter realism of the photograph must fail. A concrete example of this feeling is in the two pictures of the Revs. Patrick Brontë and A. B. Nicholls, respectively. The Patrick Brontë here reproduced could be the father of these girls, but the A. B. Nicholls here given (it is dated some twelve years after his wife's death) is not that



of Charlotte Brontë's husband. There is a spiritual incongruity. Somehow it seems too sleek and prosperous, adjectives we never dream of connecting with Charlotte Brontë herself. To cite a final example, the artist's picture of Rochester with Jane Eyre is anything but the Rochester of Jane Eyre's reality and Charlotte Brontë's imagination. Before leaving the mechanical handling, there are a few slips, though slight, here and there discernible in the printing and division of words, something apparently almost unavoidable even with the greatest care.

It is the personality of Charlotte, Emily, and Anne Brontë which justifies this memorial edition, and this personality is stamped upon every page of these volumes. That this is so in the "Life" may be surmised from what has already been said, and that it is so in the six remaining volumes comprising the novels (including the small amount of poetry) will soon be gathered from a perusal of Mrs. Humphry Ward's luminous introductions. Messrs. Smith, Elder & Co. were the original publishers of Charlotte Brontë's works, and facsimiles of the title-page of the first editions are in every instance reproduced. These gentlemen were her friends, as they were the friends of Thackeray and of many men and women of letters; they were the publishers of Thackeray's magazine, the *Cornhill*, and the personal reminiscences of Sir George M. Smith, head of the publishing house, in recent numbers of the *Cornhill*, have added zest to this renewed Brontë interest. Happy was Charlotte Brontë in her publishers, as happy as Emily and Anne were unhappy in theirs; and, apart from the question of less robust health and the earlier deaths of the younger sisters, we may reasonably wonder whether better circumstances might not have affected their relative output.

It is just this "personality" that is too frequently overlooked, as by a writer to the "Contributor's Club" in a current number of the *Atlantic Monthly*. To him or to her "Jane Eyre" is but another idol fallen by a second reading, a work long proclaimed as original, but actually containing elements of melodrama as old as the hills. We believe we

have read somewhere that Mr. William Shakespeare was also not very careful about using matter that was as time-honored and time-worn as the thirteenth and fourteenth centuries. But of the fiercely passionate, self-repressed personality that speaks everywhere in the book and mingles these elements in such a way as to make the result like itself alone—of all this not a word. There will be many readers like the *Atlantic's* who will find old situations dressed over, faults of construction and exaggerations a plenty in "Jane Eyre" and the other works; to whom "Wuthering Heights" will be but an incoherent volume and the characters impossible. They are sincere. And no less sincere is this tribute of the Hawthorne Edition on the part of the publishers to one of the most interesting groups of personalities they have encountered in their business existence. And to every lover of individuality in letters these volumes constitute a record which can never fail in interest, where imagination and reality, fancy and fact, touched fingers in the fatality hovering over the lives of this strange household of rare genius. This spiritual truth remains despite all the demonstrations of the critics and changes of fashion, and it is in this spiritual appeal of natures of repressed pain and passion that the Brontë lives and the Brontë writings attract us to-day and will remain of perennial interest.

The addition of Mrs. Ward's name and personality to those of Mrs. Gaskell and the Brontës brings us up with a sharp start to to-day. Mrs. Ward's position in literature and her particular part in the development of the purpose and psychological novel is universally admitted. She continues the splendid line of women writers of fiction extending through the century: Maria Edgeworth, Jane Austen, the Brontës, Mrs. Gaskell, and George Eliot, though she derives more from the last and possibly less from the Brontës than from any of those named. "'Tis sixty years after," and we know how the attitude toward even greater names has become changed. Mrs. Ward's critical introductions speak much for the breadth of judgment and catholicity of temper and mind to which she has attained. Differences in point

of view between the middle and the close of the century we expect and find; but we find also what we cannot always expect: the large amount of sympathy and insight Mrs. Ward has brought to her task. Were she of Charlotte Brontë's own day and school, indeed, we should have many more misgivings. It is because she is true to herself and her convictions, and yet does not fail to recognize in the work of fellow-workmen that which does and must live—this stamp of personality—that we are brought to a perception, more closely analyzed and clearly defined, it may be, than some older and vaguer convictions, of that in these volumes which belongs not to a day, but to a life and race. We are in better position both to understand Charlotte and Emily Brontë's hold upon fame, and to pay tribute to Mrs. Ward's wide comprehension and generousness of mind.

All attempts, including Mrs. Ward's, at explaining the genius of these Brontës are futile. They throw light upon the fact of that genius and the circumstances under which it developed, but they do not explain the thing itself. Perhaps Mr. Swinburne's words—one of those pointed thrusts for which Mr. Swinburne's criticisms, however mingled with extravagance and invective, are noted—contain as much truth as anything that can be said: "A dark, unconscious instinct, as of primitive nature worship." This was said in token of Emily's marked originality and isolation, but is sufficiently true of the entire family. This closeness to nature, to the bleak, desolate, heathery hills, is a trait never lost. Characteristic mountaineers were the natives: "The attachments, the antipathies, and the hospitalities of the district are ardent, hearty, and homely. Cordiality in each is the prominent characteristic. As a people, these mountaineers have ever been accessible to gentleness and truth, so far as I have known them; but excite suspicion or resentment, and they give emphatic and not impotent resistance. Compulsion they defy." ("Life," p. 33.) In this country and among these people the sensitive girls were brought up, and in their untrammelled imaginations they spiritually understood the people, just as they would wander out miles over the gray and purple

moorlands and sit and muse and brood with the very hills and hollows. Of such things is much that would seem inexplicable and abnormal in both "*Wuthering Heights*" and "*Jane Eyre*." In the elements that entered into these natures, if Celtic inheritance from an Irish father and a Cornish mother did much—and Mrs. Ward is prone to overemphasize this—the environment and circumstances of their bringing up did far more.

Intimacy with the old Yorkshire woman, Tabby, who came as nurse and remained to be one more dependent in this home upon the spirit of these girls, gave them unconsciously further insight into human nature of the Yorkshire type. Tabby had many bits of folklore, uncanny superstitions and blood-curdling tragedies of the past, with which to people the wild moors, and she invested them with new associations for the awe-struck, interested children. Like the fairies in Chaucer's "*Wife of Bath's Tale*," these figures of folklore had been driven away from every holt and heath—in this instance by the woolen mills, the prejudice against which, for this and other reasons, is revealed in the early chapters of "*The Professor*," and forms a large part of "*Shirley*." It is from the vivid realization of this harsh, tragic spirit of the moor and heathland that come the strange conceptions of Emily's "*Wuthering Heights*," typical of the position of their own home at the top of the bleak hill amid its whitened tombstones subject to every wind and storm that blew.

Charlotte is hardly ten when, the mother and two elder sisters dying, she must take the place of mother to this sensitive, intense, and impressionable family. Add the early loss of sisters and mother, the morbidness of the situation at home, acquaintance with tragedy personally and imaginatively, to the desolate surroundings and intense imagination of the inherited Celtic nature, and we have some of the varied elements present to nurture this strange household. But this explains merely the soil, and not the plant itself.

Being motherless, another great influence upon these children in their early years, most evident in Charlotte as the eldest, was that of their father. He must have stood for

some of the positive qualities that go to make up Mr. Helstone in "Shirley," for he too was a notorious Tory and Churchman to whom God gave a soldier's spirit with a priest's vocation. He interested these tots in his own political enthusiasms of the eighteen twenties and thirties, and the Iron Duke became the family idol. Their mental food was furnished by the Leeds *Intelligencer*, "a most excellent Tory newspaper edited by Mr. Wood, and the proprietor, Mr. Henneman." Indications of this stout Toryism, hearty admiration for Wellington, and very positive and outspoken opinions on the Catholic question, intensified by the sojourn in Brussels, may be found expressly in "Shirley," but also in every one of Charlotte's writings. Habits of close observation and clear analysis were early formed for all by the family discussions, the chief point of sympathetic contact the father seems to have had with his daughters. Left to themselves for amusement, as mere children they must talk and make speeches and write. They edit "Little Magazines," in which fancy and language "run riot, sometimes to the very border of apparent delirium," and the supernatural stories of old Tabby found fruitful ground.

Extensive "works" were written by all three children, even at this early age. Poems followed, too, those we have of Charlotte's showing the influence of Wordsworth and Nature. In appearance never handsome, small and painfully near-sighted, defects she invests her characters with, notably in "The Professor" with a change of sex, there must have been something quaint and old-fashioned in Charlotte's looks to bring out Mrs. Gaskell's likeness to a "Venetian portrait." The first schooling at Cowan Bridge is known from the Lowood of "Jane Eyre." The two elder sisters, Maria and Elizabeth, eleven and ten years old respectively, died there. Charlotte was only eight and Emily six—fearful thought at this tender age away at school! There could be only bitter memories. The second schooling was at Roe Head, only twenty miles away, but in a softer country, making a healthier appeal to imaginative agencies. It was a country associated with traditions of Robin Hood, and



one where old and new civilizations met—mill hands and farmers, the new factories of enterprising business men and the old dwellings and estates of Yorkshire esquires, not unlike changes to be observed to-day in portions of our Southern States. This is the setting of "Shirley," and its incidents—the foreign proprietor, the storming of the mill, and the struggle between insecurity to life and property and utter starvation and blind, narrow despair—were all facts and traditions of the neighborhood. The story-telling goes on: Charlotte tells weird tales to her roommates at night, and they scream out loud in their intense interest. But the opportunities for healthy exercise of the imagination become few. The presence of grief grows, a self-consciousness tinged with morbidness creeps on and the gloom increases, to be dispersed again and again, only to return.

Moreover these women were to know the tragedy of soul life and death in their hearts and home. All willing sacrifices of sisters were made for the brother, and there was worse than no reward. Not only could they imagine monsters of cruelty from rude Yorkshire nursery tales; they could draw from the horrors of life too, crucifying all the tenderest sensibilities. It was Emily who remained tenderest to her wayward brother; it was Emily whose imagination portrays the brutality often pronounced absurd in "Wuthering Heights;" and poor little Anne, the frailest, with Branwell's excesses before her, writes "The Tenant of Wildfell Hall." If we may not accept, at least we can understand these books.

These were passionate and heroic souls. It is Charlotte who, in the totality of her work as in her plans and guidance, creates a new world for the family and deserves her preëminence. Emily is confessed the most original of the household, yet it is her sister's noble tribute that has been the strongest foundation for this fame—and Emily was not so practical a worker as Charlotte. Anne, the youngest and most timid and least able to cope with the great outside world she dreamed vaguely of and knew so little about, *had* to write with such a pair of elder sisters in the house. For scribbling, make-believe, and then serious work, was their pas-

time and salvation from the beginning. Amid it all, the curtain is drawn silently and reverently over the one whom these sisters persuaded themselves almost to the last was to become the genius of the house, their brother Branwell. The peculiar Brontë reticence is everywhere as to him, and we respect it nor wish to know more. Only this we can see in the very repression: his dark spirit hovers in the background in all the shock of the terrible revelation to these high-strung and intense feminine sensibilities, mingling with the gloom of the moors beyond and the isolation of the parsonage and the lives within. In the imagination the notes held back become even more tragic. It is the depth of spiritual experience, and not the variety and extent of external impressions, that determines the ultimate call to the heart and soul.

These external changes were few; the school life in the two very different mental surroundings, positions as governess, the Brussels scheme for more thorough preparation as teacher which Charlotte's dauntless spirit succeeded in carrying through for herself and Emily—the one revolutionary influence in their life—and again back at home in the grim parsonage taking charge of her father and its inmates, and the period of the novels. The facts in this limited experience were used again and again in all Charlotte Brontë's works: in "*Jane Eyre*" and "*Shirley*," as has been seen, and the Brussels life was the basis of "*Villette*," a working over of the early material of the rejected "*Professor*."

Nature and truth she affected to follow, as she understood them, but everything was invested with imagination: the moors, the church and parsonage, the schools, the homes and scenes she visited, the Brussels sojourn, the rapid changes transforming a rural into an industrial population. These elements come to the fore again and again, but the light of imagination that plays about them lends them a new interest.

The school life of these motherless children where two die, and the life a sensitive governess may endure, are livid heart pictures. Some souls can suffer so, and these Brontës did. Lowood was based on fact, but fact as translated by intense sensibilities. Spiritual experiences were wrought in

the alembic of deep feelings and passions. And thus arose exaggerations and morbidness. The position of governess that all of them experienced was repugnant to all. The untamable Emily could live imaginatively among the moors alone. Charlotte and little Anne—a reflex of Charlotte in being the youngest under her guidance—tell out of their heart their governess feelings: Anne, in the simple story of “*Agnes Grey*” and Charlotte as *Jane Eyre* and *Lucy Snowe*, and with a change of sex as *The Professor*, and the proud tutor, *Louis Moore*, who alone is held worthy of the high heiress *Shirley*. We must not take subjective impressions too literally for facts. These spirits could not brook restraint: to their untamable natures it was awful. Charlotte admits, in a letter to her “dear Ellen” Nussey, “qualities in which all our family are singularly deficient.”

Their entrance upon authorship is characteristic. The intensity of these natures must find some expression, and the three sisters first send selections of their verse to a publisher. Timid about publicity—indeed having hitherto concealed, even from one another, what each had been secretly writing—they screen their identity behind names which retain their initials and are singularly vague as to sex except as this is revealed in their delicacy: “Curren,” “Ellis,” and “Acton Bell.” Emboldened by this venture in an unknown world, each writes a novel again secretly apart from the others. These first fruits intended for the public eye were Charlotte’s “*The Professor*,” Emily’s “*Wuthering Heights*” and Anne’s “*Agnes Grey*.” Judged by these three as first novels, Emily’s is unquestionably the work of greatest original genius. Charlotte’s never finds a publisher, which spurs her on to “*Jane Eyre*.” What do these ambitious authors know of life? They have gone to school and they have taught, but, too, in their pent-up existence, they have dreamed fierce dreams, and they have wandered over the wild hillsides and drunk in alternate strains the gentleness and the defiance of both earth and heaven. “*The Professor*” opens in the mill country of Yorkshire and passes to Brussels, as Charlotte did. The wild genius of “*Wuthering*

Heights" is drawn from the dreary moors, and it is of imagination and spirit all compact. Little Anne's relation is that of a weary school-teacher, timid and thrust upon the world. Glory in the rich color of landscape is here, and morbidness is here too. Even Charlotte's physical shortsightedness is made a trait of her hero in a number of ways. The ideal clergyman is their father. There is the contrast between Northern brusqueness and the warmth and color of the South and the Continent. In reading, we are not thinking of the characters, but we are thinking of the individual expression of these three young people in an obscure Yorkshire parsonage. And what distorted mental pictures the reviewers drew! In the midst of the sick chamber, when the sisters have just buried the disgraced brother and the two younger ones are lingering in the shadow of death, Charlotte is writing to Mr. Williams:

The *North American Review* is worth reading; there is no mincing the matter there. What a bad set the Bells must be! What appalling books they write! To-day, as Emily appeared a little easier, I thought the *Review* would amuse her, so I read it aloud to her and Anne. As I sat between them at our quiet but now somewhat melancholy fireside I studied the two ferocious authors. Ellis, the "man of uncommon talents, but dogged, brutal, and morose," sat leaning back in his easy-chair, drawing his impeded breath as he best could and looking alas! piteously pale and wasted. It is not his wont to laugh, but he smiled, half amused and half in scorn, as he listened. Acton was sewing; no emotion even stirs him to loquacity, so he only smiled, too, dropping at the same time a simple word of calm amazement to hear his character so darkly portrayed. (Life, p. 388.)

It was Emily's only effort at novel-writing. A few heart-rending cries from the soul expressed in verse that have found a place in our anthologies of English poetry, and she was gone! The contrast with Charlotte has already been suggested. Charlotte, the older, accustomed to act and carry things through despite all obstacles as in writing her books; Emily, quiet and unobtrusive, musing and pondering always, like one of her own creations, masculine in will and thought. "She should have been a man," was the verdict of her teacher, M. Heger, in the Brussels *pensionnat*. She moves every one to admiration—M. Heger, her sister Charlotte, Mrs. Gaskell, and her latest critic, Mrs. Ward. In Charlotte's superb

words: "Stronger than a man, simpler than a child, her nature stood alone." Mrs. Gaskell is constrained to comment: "Emily must have been a remnant of the Titans, great-granddaughter of the giants who used to inhabit the earth."

It was Emily as she could have been Charlotte was endeavoring to portray in the character of "Shirley," written at the time of this last illness. The episode of Emily and her dog, such another dog as the older brother quelled in DeQuincey's wretched childhood, reappears in "Shirley." Her stern spirit of independence gives us a brief glimpse beyond the veil of Brontë reticence. She was slowly dying, her life pulse sinking away, and she refused a physician to the last. She stood and smiled, but spoke not a word of the pains of death even then upon her. Such was the author of "Wuthering Heights." Defects are apparent enough to him who reads, but the overwhelming human interest remains: the bleakness of the Northern moors, aloofness from the petty world about, dreamings with nature and fierce passionate intuitions into the heart of things. Much is overwrought fantastical nonsense, and mingled with this are pages writ deep in human misery and life. It is elemental as the hills and vales are elemental, and what is elemental abides. There is the same kinship to the lonely, haunting, desolate landscape that Mr. Hardy found to his use in "The Return of a Native." Emily Brontë gave the atmosphere; Mr. Hardy had the art and the maturity also to make the creatures in that gloom move and live.

Charlotte's "Jane Eyre" stands closest to Emily's "Wuthering Heights." Exaggerations and faults are again patent enough. Its passion is the passionate revolt of the life of these young girls. Innocent we see them in act as unrestrained in their imaginations—a lack of restraint which seemed amazing to the novel-reading public of fifty years ago. Sympathies are worked on almost fiercely, and the chords respond. She had known what it was to be motherless, to suffer at school—the death of Helen Burns is that of her sister Maria; the matter of station and caste and dependence, morbidly dwelt upon, she drew from her govern-



ess experience; the actual shortcomings of the ecclesiastical enthusiast she had met with as the daughter of a parson and mentally rejected in an unconscious spirit of revolt to actualities, and now was substituted the imaginative longing for the unknown, the Byron-Branwell type of man that all Europe was mad over. The prospective wedding trip is in imagination a new "Childe Harold's Pilgrimage." Much merriment has been had over "Mr. Rawchester," in which Mrs. Ward does not hesitate to join. It is a tale of morbid craving for sympathy and love absent from a life. Unreal in fact and imaginatively false it may be called, but the thought of such masterful men, if there are such still, with a doubtful and mysterious past does exercise a fascination over the girlish imagination. It may be held absurd, but it is nevertheless profoundly true. In the hold of passion on the human heart "Jane Eyre" remains still a masterpiece, and Charlotte Brontë is its priestess.

The outdoor feverish life is in "Jane Eyre" as in "Wuthering Heights," in the courtship, on the eve of marriage, and at the return. Here and there is an obvious suggestion of the theatrical instead of the dramatic. The straining and cracking of the chestnut bough under the storm and the striving of the soul—the stress of nature and life together—is both from the storm in "King Lear" and the author's own self; and the discovery of the wayfaring girl by the inmates of St. John's home, who are found to be relatives, reminds of Imogen and her brother in the caverns of Wales, though it is such kindness as the Brontë sisters themselves often exercised in the Samaritanism of their father's parsonage.

The love element is prominent in all her stories; it is already in "The Professor," it is in "Jane Eyre" and "Shirley" and "Villette." It is the heart and soul of her work and life. Novels to her meant the settling of this great question—to whom it was all the while an unknown and only dreamt of and imagined world. In both the novels and letters the changes are rung on the varying degrees of "respect, affection, and love."

But our paper is already drawing beyond its limits, and

there remains space for but a few concluding points on Charlotte's Brontë's personality. Numerous illustrations might be cited and opinions evidenced to show her provinciality and social inexperience—something inevitable, but which does not affect the total result. Patrick Brontë's family were devoted Church folk, true daughters of a country parson and true Britons. Her one contact with foreign life emphasizes her innate British insularity and narrowness, which she glories in. And in Great Britain she loves Yorkshire. To both English and American habits of thought this is clear. Certain Continental attitudes toward life and aspects of Roman Catholicism she viewed with open horror. Utterly unconscious in her righteous indignation, she can dogmatize at length just because certain things are foreign to Protestant and British and Yorkshire experience. At the time of her writing these things were cared for, for themselves; now they have the psychological interest of a study of Charlotte Brontë's mind. At the same time her enthusiasm on the subject of French was unbounded, and she takes a particular pride in using it in "*Shirley*" and "*Villette*" and elsewhere. It was clearly a case where an intimate knowledge of a foreign tongue and modes of speech helped her toward literary form. Her last novel, which most distinctly bears traces of the influence of the French sojourn, is the best constructed. French was to her a means of mental awakening as much as the study of German to George Eliot. She was interested in every detail of her Brussels experience, and believed others would be. This trait is strengthened by her love of description and didactic training. Her attitude is often that of the teacher: "Let me tell you, in order that you may know and be helped." Pedagogical details are brought out in "*The Professor*" and again in "*Villette*," the result of M. Heger's instruction, which made a profound impression—methods of teaching not the grammar of the language so much as the literature, and ways in which the literature could be both analyzed critically and constructed synthetically. She has humor, but it is not a humor practiced in the ways of the world. Charlotte's great admiration—and her literary

instincts were usually right—Thackeray, actually frightens her upon a personal encounter, and the bear took evident delight in growling, for which he afterwards made ample amends in the "Last Sketch."

Interesting opinions on contemporary men and events are scattered through the novels and in the later letters. Particularly in her correspondence with her publishers she received fresh bundles of books, and was introduced to and kept in touch with a wider intellectual world. Unrestrained expressions on Thackeray and Dickens and Jane Austen and Balzac and George Sand and Rachel and Ruskin and Newman and Tennyson, and "Uncle Tom's Cabin" and similar subjects, become frequent. She is at last coming into her own, widening her mental horizon, and feeling that she is alive. Some sufferings, however, had been too deep ever to remove all limitations. She could not be reconciled to her idol Thackeray's hearty admiration for Fielding. To her it is "the worship of his Baal," and we can understand the reasons for the shrill heart cry: "Had I a brother living, I should tremble to let him read Thackeray's lecture on Fielding. I should hide it away from him."

Like most morbidly sensitive artistic natures, she suffered from the criticism of her books. Of her last, "Villette," she writes: "I said my prayers when I had done it. . . . The book, I think, will not be considered pretentious, nor is it of a character to excite hostility." This was a reflex of the smart still stinging from "Jane Eyre." Indeed, we owe "Jane Eyre"—one proof of its perfect innocence—to this very absence and ignorance of all previous criticism. If Charlotte Brontë steadily gained in wideness of appeal in "Shirley," and in consistency of construction and character in "Villette," it was in "Jane Eyre" that flashed all that repressed passion and intensity of soul and frankness of utterance which in its precise kind was then new to the world, and still remains distinct.

JOHN BELL HENNEMAN.

## REVIEWS.

---

### A VOLUME OF LITERARY ESSAYS.

STUDIES AND APPRECIATIONS. By Lewis E. Gates. New York: The Macmillan Company. 1900.

It is always with a certain shrinking that one takes up a new book of critical essays. They come in never ending streams; and if one can lay aside a volume without weariness, the very negative is high praise. We cannot say that Prof. Gates's book has held us entranced from beginning to end, but whatever weariness we may have got from the eternal attempt to find a scientific basis for criticism is far more than atoned for by the interest and value of the other papers. One difficult thing for critics to remain conscious of is the somewhat humbling fact that, in spite of their usefulness in molding thought, they are, after all, but workers in another's vineyard. The true worth of criticism comes primarily from the thing criticised. The revelation of an imaginative mind's emotions in reading one of Rossetti's sonnets may have two values—a value in pointing out the enjoyment to be got from the poem, coupled with some directions as to how that enjoyment is to be attained, and a psychological value in response to the universal sympathy felt with the workings of an imaginative mind. The latter value may make a pseudo-critical essay into a real work of art or a contribution to the study of the soul, but it is not criticism. There are in the world certain works of art from which a man endowed with imaginative sympathy and provided with trained intelligence can secure a fine and high pleasure. The work, and the worthy work, of the critic is first to judge so clearly of works of art that he will be in no danger of mistaking, in the large, one of low appeal with one of high; then his contribution to the advancement of civilization is completed by his rendering possible, so far as in him lies, an enjoyment of these noble works of art. If critics would be proudly humble enough to recog-

nize the fact that they were in a way only intellectual jobbers, their work would be better done. If the sensitive critics will pardon the vulgar analogy, it may be more desirable to be a manufacturer of thought than a retailer, but neither of these constitute a world, nor both. The matter of real importance is that the consumer get the article he needs so that he may have life more abundantly. When this is borne in mind much of the unnecessary bother about impressionism *et al.* is seen to be needless. Impressionism is to a certain extent essential in any criticism that is not purely formal, but it does not any more constitute criticism than the enjoyment of a sunset makes a man an artist. If a critic were perfect and omniscient, his *dicta*, his methods of utilizing the material upon which the spirit of man can operate, would be all-sufficient; impressionism would be criticism, but under no other conditions could it be. One man cannot judge for a race. In forming his judgment every intellectual and imaginative faculty in the critic must be concentrated in the effort to see things as they are objectively; then his personality, the expression of his own emotions, must come in to add the infinite charm of humanity to his endeavor to bring others to the happy sensations he has had in the presence of the work of art. All this is without doubt but homespun common sense, but this humble ingredient enters little into the speculations of critics about themselves and their art. Vital criticism must not be parasitical, it must not be an ignoble organism draining life from a noble one, but it must be the honest and high effort to bring others into the participation of good which without criticism would be wholly or partially beyond them. As Saint Beuve puts it, the critic needs only the faculty of reading with enjoyment and of judging at the same time, because his whole duty as critic is to judge whatsoever things are good, whatsoever things are pure, and to make them to be enjoyed.

We have drifted thus far afield because some of Prof. Gates's critical articles are so entirely what critical articles should be that we could not avoid pointing out wherein, in his



discussion of his own method, he seemed unworthy of his work. The nature of the papers, "The Romantic Movement" and "The Return to Conventional Life," may be inferred from the titles. Romanticism was inevitable if any progress was to come in English poetry, because the perfection of the school of Pope was sterile, the soul seemed nigh unto death; and return was equally inevitable, because humanity is not balanced if it could sink to the Dead Sea flats of the eighteenth century poetry; it could be raised again only by a vast upheaval, and this upheaval, in its turn, was sure to go too far. One of the finest elements in Prof. Gates's equipment as a critic is the sure hold he has on the truth that literature must touch life, common life, to be essentially great. Thus he judges romanticism not perfect because exaggerated, yet not absurd because a step toward truth; thus he recognizes the necessity of the operation of English conservatism and the powers of equilibrium in returning to their place the conventions which the romanticists would have naught of.

It is this, we believe, which gives the value to the two discriminating essays on Tennyson. Tennyson had great enough intellectual power to perceive that the world was steadily drifting away from the aristocratic notions held in a way by all Englishmen, who are the Pharisees of the soul, and in particular by Englishmen of position, on toward socialism, but he was too little of a seer to find in it much save the blundering and vulgarity of the majority. Tennyson saw this, but his whole make-up had in it so much of the woman and of the aristocrat that, in spite of loyal efforts, he could not bring himself to accept on its face value the reality of modern life. He had none of Carlyle's fierce sincerity as to the worth of present life, its spiritual significance, its infinite and overwhelming importance. His delicious dreaming is but delicious dreaming. Prof. Gates makes this point with great clearness, a clearness all the more essential inasmuch as it is unusual. Criticism by extract may be, as James Russell Lowell called it, *Bæotian*, but it is final in this instance. No one who will read with sympathy and

open-mindedness the poems which Prof. Gates touches on can fail to respect and value his conclusions. To this aristocratic and effeminate aloofness Tennyson added a morbidity which is most crass in "Maud," and least offensive, though eternally present, in "In Memoriam." No amount of beauty of diction and infinite melody of verse can atone for these great faults—faults which stamp Tennyson permanently as below the greatest of the very great. He had no grasp on common life. Tennyson utilizes the morbidly remarkable in life for his material, as in "Maud," or he sees the ordinary in life through the splendid vapors of his own poetic brain, as in "Enoch Arden." "Fancy," says Prof. Gates, after quoting the description of Enoch on the desert island, "fancy Robinson Crusoe trying to find his mind mirrored in Tennyson's rodomontade."

We can speak of only one other essay before we commend the whole to readers—that on Poe. It is perhaps but the sensitiveness of patriotic pride when one shrinks from the auction-sale-like enumeration of Poe's poetic paraphernalia at the beginning of the essay. We know that Poe has in him more of real poetic force than any of our other poets, and we rather like to hear this emphasized, but it is true that he uses very uniform and rather artificial material out of which to get his marvelous effects. Poe is not great, but his cleverness—intellectual in the "Tales" and musical in poems—has produced a remarkable illusion to this effect. The shallowness of Poe's treatment of life, his artificiality, his remarkable intellectual power, and his artistic shrewdness, are developed convincingly. Poe seems, curiously enough, a sort of intellectual Yankee, with that individual's touch of sentimentalism made degenerate by dissipation.

It is the fashion to-day to be weary of Macaulay's style as of his critical judgments, but one sometimes wishes that men were wise enough to choose the good and let the evil go. Macaulay is monotonous, but he is clear. We know what he means, and he does not set us to wondering if the sentence will ever end, or start us to running over our mind's stock of words to see if we can find anything similar to one he uses.

Prof. Gates cannot be acquitted on either charge: witness many sentences and words such as "envisaging," "awareness," "teen," "subdual."

GEORGE CLIFTON EDWARDS.

---

NEW ITALIAN JOURNEYS.

ITALIAN CITIES. By E. H. and E. W. Blaisfield. New York: Charles Scribner's Sons.

For every lover of Italy, particularly for every lover of Italian art, these volumes are a pure delight. America has made no worthier contribution, unless it be Mr. Berenson's admirable little volumes on the "Painters of the Italian Renaissance." But Mr. and Mrs. Blaisfield have an advantage over Mr. Berenson in a charming literary style that makes the reading of their book a pleasure and not a study—a style flexible, vigorous, and entirely suited to the subject, finished enough for the most exacting, yet thoroughly comprehensible to plain people, with none of those superrefined affectations that make Mr. Maurice Hewlett's "Earthworks out of Tuscany" so delightful to some and so exasperating to others.

In the great majority of cases artists are cultivated only in their eyes and hands. They can see things with what in "Trilby" is so aptly called a "prehensile eye," and can represent them faithfully; but in general culture and in a knowledge of art history they are sadly deficient. This is particularly so with the artists of continental Europe. They paint with immense cleverness, but their works too often suffer from a want of intellectual interest.

The artists of England and America have more frequently been cultivated men; and whether in culture or artistic skill, Mr. Blaisfield has had no superior among us. The emblematic figures that adorn the dome of the new Congressional Library have made him universally known as the foremost decorative artist of America, and the edition of Vasari's "Lives of the Painters" which he and his accomplished wife issued in conjunction with Mr. Hopkins gave them a very high rank among the students of Italian art. But while

the notes, which make that the most valuable of all the editions of Vasari, disclosed the range and accuracy of their information, the necessarily condensed form precluded any display of literary skill.

In the present volume they show that they are completely at home with their subject. They see Italy with the "prehensile eyes" of the artist; not the Italy of back yards and unwashed linen that attracted Mr. Howells, but the glorious Italy of the past, that Italy of the Renaissance, which was so brief and yet so fruitful that, after filling every museum with its masterpieces, it has retained at home a bewildering profusion of unapproachable works. They see in Italy its palaces and churches, its painting and its sculpture, not the beggars that encumber its streets nor the lazzaroni who sleep upon its quays; and their converse is with the giants of the past, not with the pygmies of the present.

Of course when an artist writes about Italy, especially an artist who has so nobly continued the grand traditions of Italian decoration, his first thought is for its art. So our authors make many luminous observations on Italian painters, and their studies of Il Sodoma, Mantegna, and Raphael as a fresco painter are particularly illuminating. In his "St. Sebastian" Il Sodoma has given us the most beautiful youth in all the range of art, in his "Christ Bound to the Column" the most poignant and heartrending of all the pictures of the Man of Sorrows. The greatest masters have produced nothing finer; but the average of Sodoma's works is so much lower that it drags him down to a level far beneath the greatest. Mr. Blaishfield understands the man and his temperament as only an artist could, and makes us understand him in our turn.

The chapter on Raphael as a fresco painter is invaluable to the student of art. After a life spent in the decoration of walls with pictures in which the search is for ideal beauty, Mr. Blaishfield is qualified as few are to study the frescoes of Raphael, which he justly considers as unsurpassed, perhaps unequaled, among the master's works; and his observations upon them are highly instructive.

His treatment in the chapter on Mantua of the art of Mantegna, the reëvoker of the art of Rome, the stern, powerful draughtsman of the Renaissance, who painted as if he were engraving upon copper, is a most lucid presentment of the subject; while his fine enthusiasm for Correggio, in an age when Mr. Ruskin has made it the fashion to sneer at that amazing genius, is wholesome and refreshing, and marks a distinct return to sanity of judgment.

But not half the volumes are devoted to art. Their interest is as much picturesque and historical as artistic. The presentation of the old life of Florence and Siena, so intense, so turbulent, so passionate, and yet so strangely fruitful in enduring works and memorable deeds, is particularly attractive and vigorous.

Both collaborators write so well and so much alike that one cannot say which contributed any particular chapter; but I like to think that the beautiful and sympathetic description of the interior of a modern Italian convent is from the lady's pen.

G. B. ROSE.

#### ART BIOGRAPHIES.

**GREAT MASTERS IN PAINTING AND SCULPTURE.** *Luini and Perugino*, by Geo. C. Williamson; *Velasquez*, by R. A. M. Stevenson; *Del Sarto*, by H. Guinness; *Signorelli*, by Maud Cruttwell; *Raphael*, by H. Strachey; *Cri-velli*, by G. McNeil Rushforth; *Correggio*, by Selwyn Brinton; *Donatello*, by Hope Rea; and *Il Sodoma*, by Countess Priuli-Bon. London: George Bell & Sons. \$1.75 per volume.

**MONOGRAPHS ON ARTISTS.** *Durer, Van Dyck, Holbein, Raphael, Rembrandt*, by H. Knackfuss. Translated from the German. New York: Lemcke & Buechner. New York: The Macmillan Co. \$1.50 per volume.

For the first time the lives of the great artists are made accessible to Anglo-Saxon readers in compact form, suitably illustrated, and at a moderate cost. The old series of "Artist Biographies," if it was ever adequate, has long been out of date. Indeed, any work produced before Morelli inaugurated what has well been called the "detective" school of art criticism, is antiquated. He and his followers have ransacked every European gallery, and, through that patient comparison of details which the photograph has made possi-



ble, they have changed the attribution of half the pictures. That the system is not infallible is apparent from the differences among those who practice it and the wordy battles, sometimes degenerating into bitter personalities, in which they engage. Still, it has done a great deal of good. It has relieved the masters of responsibility for a vast number of unworthy works that had been attributed to them by the vanity or self-interest of their owners; and, by ascribing to Luini most of the pictures formerly assigned to Leonardo da Vinci, it has given us another star almost of the first magnitude. It has compelled a complete readjustment of our views, and necessitated the rewriting of all books on the painting of Italy. This controversy has been waged chiefly on the Continent and in continental tongues. It is perhaps well that we have been spared the din of the conflict, but it is also well to have its net results presented in convenient form.

Both of the series before us do this in an acceptable manner.

The volumes in the series translated from the German are all by Herr Knackfuss, and exhibit the usual faults and virtues of German scholarship: the most painstaking labor combined with a too great insistence upon details, and an almost complete absence of the sense of proportion. He is like the man who cannot see the forest for the trees. He examines each picture most carefully, but there is no lifelike presentation of the man or his environment, nor any comprehensive review of the scope or limitations of his art.

The English series are better in that respect. They are by different hands, and necessarily unequal in merit; but all are by capable writers who have given special study to their chosen masters. The necessity of devoting a volume of substantially the same bulk to each artist has also resulted in another kind of inequality. In a well-proportioned history of art a page would be given to Raphael where a line was given to Crivelli. Raphael lived in as fierce a light as ever beat upon a throne, and there have come down to us the materials of a fairly adequate biography. Of Crivelli's personality and his career we know nothing. To bring the life of Raphael within the limits of a small volume is a feat of com-

pression; to extend a consideration of Crivelli over an equal space is a feat of expansion. Yet both are well done. The life of Raphael is probably the best short life that we have of the Prince of Painters; while the book on Crivelli is perhaps the most painstaking of his pictures to be found in any single volume. For both we should be thankful.

In point of illustration both series are excellent. In either the pictures alone are worth the cost. They are such luxuries as no amount of money could have purchased a few years ago. Photographic illustrations alone are of any value in the study of art; for into engravings the engraver's personality enters to such an extent that we can have but an imperfect idea of the original picture. The illustrations in both series are all process cuts, most carefully made.

— G. B. ROSE.

#### CHINESE LIFE AND CUSTOM.

VILLAGE LIFE IN CHINA. By Arthur H. Smith. Fleming H. Revell & Co.

The rapidly moving events of the past year show clearly that relations between the civilization of the West and that of the East must become closer. It is impossible to avoid the conclusion that, for a long time to come, a supervision must be exercised over the Chinese government and an attempt made to change, or at least modify, Chinese methods of living. It is a task which has long been foreseen, but which there was a reasonable hope could safely be postponed.

As delay is no longer possible, it has become suddenly necessary to acquire an intelligent understanding of Chinese life, in order that interference may not only be sympathetic in motive but properly appreciative of all that is worth preservation in present customs. It may also turn out to be true that many characteristics will be found which, though not distinctly valuable, are relatively harmless, and are so deeply imbedded in the feeling of the race that they cannot be quickly changed without disaster to the forces which keep society together. The duty to obtain clear conceptions on this subject rests with special weight upon students, in order that they may aid in the creation of a public opinion which may guide or correct the errors of governmental agents.

Any one who wishes to understand the life of a strange people must begin his investigation with its simplest and humblest forms. The family, the clan, the village community—these are the groups in which one may expect to find national characteristics most clearly marked and most difficult to modify.

It is fortunate that there is so excellent a study of the Chinese village as that which Mr. Smith has given us. It is an almost perfect example of what such a book ought to be. The author wrote after careful observation, and with a good eye for facts which were socially significant. He rarely gives undue emphasis to any line in the picture which he draws. He does not profess to exhaust his subject, nor does he claim to understand the relative force of all the strange motives which interpenetrate Chinese character.

Apparently one of the strongest of these motives is the desire to preserve what is called "Face." This seems to be the power to pretend that some lost legal or social right still exists, and to enforce the formal respect to which one would be entitled if that pretense were true. In village life it is assumed that the spirits on certain occasions claim to receive a money sacrifice. The claim is no longer binding, because the people have become so poor that they cannot spare the money. The "Face of the Spirits" may, however, be preserved by the use of counterfeit money made of paper. It is inconceivable that it should be generally believed that fraud could be successfully perpetrated upon these beings. The respect shown their claims is formal only, but still satisfactory to the claimants. The performance is an illustration of legal fiction, familiar to us as the method by which, in our own early history, a statement of some right or principle held its place in our books and on the lips of the lawyers long after the right had been lost or the principle become obsolete. "John Doe" and "Richard Roe" preserved their pretended existence and maintained their claim to respect for several centuries. In Chinese life legal and social fictions are apparently very numerous, and many of them strike the Western mind as extraordinary and even absurd. They can-

not, however, be eliminated suddenly. Attachment to them is a great part of what we identify as conservatism in the East.

It is quite possible, therefore, that the Chinese government may grant and live up to almost any terms of peace, if it is allowed to preserve "Face" by maintaining toward its own subjects the legal fictions that its powers are as unlimited as they ever were; and that what it grants to foreigners is a gift, and not the result of compulsion.

In many respects the village social conditions shown us by Mr. Smith are very depressing. The struggle for mere existence is sharp and continuous, and the industry, thrift, selfishness, obtuseness to the suffering of others, and carelessness as to death, so characteristic of the East, are readily accounted for by the intensity of that struggle. A realization of this force seems to indicate that if an opportunity is to be provided for the introduction of Christian motives into Chinese life, that opportunity must lie in such improved material conditions as will relieve the individual from periodical danger of death by starvation, and make the duty of self-preservation less difficult and less continuously present to the consciousness.

CHARLES W. TURNER.

---

#### THE PHILIPPINES AND ANNEXATION.

THE LAW AND POLICY OF ANNEXATION. By Carman F. Randolph. New York: Longmans, Green & Co. 1901.

The author makes in this book his contribution toward the determination of the moral and constitutional questions which grow out of the annexation of the Philippines. He is satisfied that our legal title to those islands is perfect, that they are organically part of the United States, and their inhabitants American citizens, and that the constitutional limitations upon the action of Congress and the Executive apply to such action when it relates to the Philippines. For moral reasons he claims that we should not seek to retain complete sovereignty over the islands, but establish a protectorate which should resemble ordinary protectorates in affording defense against any attack by other nations, coupled with some control over internal affairs, but should differ from ordinary

protectorates in that it should look toward final independence and not annexation. Most of the questions of law which the author discusses, as well as the arguments and authorities by which he supports his views, are now before the United States Supreme Court for consideration, and decisions of that Court soon to be expected will probably settle them finally.

The author states his positions clearly and forcibly and marshals his arguments well. He does not always mark for his readers the distinction between dicta of eminent judges and the doctrines established by the decisions in which those dicta appear. He also occasionally attributes to a court the language of one of its members. For instance, on page seventy-one he uses the following expression: "In the language of the Supreme Court, 'the personal and civil rights,'" etc. The words which he quotes are not in any proper sense the language of the Court, but of Mr. Justice Matthews, who wrote the opinion. The Court without doubt, agreed with the legal conclusion which the opinion was written to support, but it would be by no means certain that a majority of the Court would have used the same language or even the same method of arriving at the legal result.

In the latter portion of his work the author rather departs from the strictness of constitutional construction which characterizes his earlier arguments. He sees no difficulty in getting rid of our sovereignty and those rights of citizenship which he has so carefully established. He finds the power to do so in the authority of the President and Senate to make treaties and thus inferentially to cede territory by treaty. He cites no precedent for any treaty with American citizens by which they are at once to cease to be citizens and receive by cession the portion of the national domain upon which they have been residing. Such a power may exist. If the needs or even the best interests of the country call for its exercise, it may be found as other implied powers have been discovered; but it would seem much easier to create such a protectorate as the author wishes if the Philippine islands should be held to be merely possessions of the United



States, and the status of their inhabitants something less than citizenship.

CHARLES W. TURNER.

#### GREEK SYNTAX AND LITERATURE.

SYNTAX OF CLASSICAL GREEK, FROM HOMER TO DEMOSTHENES. First Part: The Syntax of the Simple Sentence, Embracing the Doctrine of the Moods and Tenses. By Basil Lanneau Gildersleeve, with the coöperation of Charles William Emil Miller, of the Johns Hopkins University. New York: The American Book Company, 1900, pp. x, 190.

At first blush Greek grammars might seem to lie beyond the scope of this REVIEW. But the life work of Prof. Gildersleeve, so far as the public has a right to judge it, the life work of which the "Syntax" is a part, lies well in the foreground of our purview. The man whom the *Atlantic Monthly*<sup>1</sup> called upon to give us "a worthy corner stone for the national scholarship of the twentieth century, Gildersleeve's Literature and Life of Hellas," has for many years represented, in the professorial chair and through the printed page, the highest ideals of the study of literature, of the study of the Greek spirit in its most beautiful embodiment. Not that literature alone, literature apart from the other fine arts, can give the totality of that spirit, but the literature is the largest item in the sum, and the artistic principles that govern the arrangement of pediment sculptures are the principles that govern the structure of a Pindaric ode.

The only approach to an appreciation of the literature is by way of a thorough mastery of the language. Syntax is a criterion of style, of individual characteristics, of the generic character of a whole department of literature, ultimately, of the national spirit. We do not sympathize with the protest made by President Wheeler, of the University of California, in a recent address, against the amount of time given to the study of syntax in American colleges. The methods of study, the methods of teaching may be at fault; the subject itself is essential. Surely in America we ought to have learned the lesson of the "logical future condition," of the "stylistic effect of the Greek participle," of the articular in-

<sup>1</sup> Review of Gildersleeve's "Essays and Studies," May, 1891.

finitive. To the seeing eye a periphrasis may give a moral analysis. The use of a certain form of expression, the straining for effect in the use of a negative, "instead of quieter forms," is a mark of "the later time which always leans toward the impressive." (*American Journal of Philology*, I., p. 50.) Does not the old-time repose, serenity, give way to violent action only in the later groups of sculpture?

But these be large matters. Generalization must be preceded by patient induction, wide, minute, organic, scientific. It is the brilliant result of years of such labor that we have in the work before us.

For a long time teachers of Greek in this country have been piecing a Greek syntax together from Prof. Gildersleeve's "Justin Martyr," and "Pindar," from the Transactions of the American Philological Association, from Morris's "Thucydides" I., from the *American Journal of Philology*, which Prof. Gildersleeve has edited from the beginning. His formulæ have been widely used, not always with proper acknowledgment. Across the water, Monro, Brugmann, Delbrück, and others, have paid tribute to his keen insight and sharp analysis. In such books as Earle's "Alcestis," Lodge's "Gorgias," Harry's "Hippolytus," Blake's "Hellenica," Bishop Ken (*American Journal of Philology*, II., 89), and Don Juan (*Ibid.*, IV., 422), and Lady Macbeth (*Ibid.*, IV., 425) stride in close companionship across the syntactic stage. For most teachers it has been rather a pleasant problem, the making of this syntactic patchwork quilt. But the squares have been out of all proportion, the coloring not always harmonious; huge gaps there always were. The beginning of the complete work, of unitary design and execution, is therefore a happy event.

A detailed examination of the book would be out of place here, and the present reviewer frankly acknowledges his incompetency to sit in judgment upon a work which shows upon every page the mature result of long years of deliberation. Every sentence, each example, has been weighed in the balance, has been subjected to more than one kind of

test, has been reweighed. The press work is good; the proofreading commands admiration. The appearance of the succeeding parts will be eagerly awaited.

WILLIS H. BOCK.

STONEWALL JACKSON.

STONEWALL JACKSON. By Carl Hovey. The Beacon Biographies. Boston: Small, Maynard & Co. 1900.

This is a charming little book. No admirer of Stonewall Jackson can find in it a word to criticise, let his point of view be what it may. The author has given us in a small space as complete a picture of the man and soldier as any one perhaps could.

What Jackson could or would have done in a great independent command we can only imagine, for he never had the opportunity of showing. But what he did is told in a most fascinating way. The story must always arrest the attention of any honest man, for Jackson was in fact a hero in battle and in everyday life. He had the happy faculty of never doubting. He believed in God and himself, and his sincerity no one ever questioned. Any race of people, ancient or modern, would be proud to claim kinship with him, for in him the whole world recognizes the peculiar union of Puritan and Cavalier, which only America could have produced.

From the shock of his loss the Confederacy never fully recovered. Yet, as we see it now, in his death the great military genius was most happy. His biographer says: "Sunday morning, May 10, Jackson was very low. His physicians could see the end of his illness, and Mrs. Jackson told him he was going to die. Looking his wife in the face with great attention, he answered: 'I prefer it.' Then, as if fearing he had not spoken the words plainly, he repeated: 'I prefer it.' In a restless sleep that afternoon he muttered, 'Order A. P. Hill to prepare for action. Pass the infantry to the front;' and a little later made his famous saying, 'No; let us pass over the river and rest under the shade of the trees.' He spoke no more, but slept away into death."

It is difficult to find fault with anything about the book, but on page 23 there is an allusion which might lead one to believe that Lexington, Va., is on the Shenandoah, and on page 97 Gen. Jubal A. Early is given the initial "B" in the place of "A."

S. S. P. PATTESON.

---

CAXTON'S "LIVES OF THE SAINTS."

THE GOLDEN LEGEND; or, Lives of the Saints as Englished by William Caxton. London: J. M. Dent & Co, Aldine House. New York: The Macmillan Company. 1900. Seven volumes. 50 cents each.

This delightful reprint of Caxton's "Lives of the Saints" is at length brought to an end with the appearance of the seventh volume. The work has an interesting history. The basis of these "Lives" is the Latin original of Jacobus de Voragine, Archbishop of Genoa, in the thirteenth century—*Legenda Aurea*, the "Golden Legend," he called it. This was later turned into French by Jean Belet, and then worked over again in French with certain additions by Jean de Vignay about the middle of the fourteenth century. A century later this last French version was made the basis of an English "Lives of the Saints," and with this before him the first and greatest of English printers, William Caxton, produced his own "Golden Legend" in 1483 or 1484, at the same time that he was busy, among other books, with the "Fables of Æsop" and with Chaucer's "Canterbury Tales," "House of Fame," and "Troilus and Cressida."

Renewed interest in all matters pertaining to Church history will of itself give this convenient reprint a hearty welcome, but its interest to the literary worker is no less. The "Golden Legend," in one or other of its versions, was everywhere known and read in the Middle Ages and a whole literature based upon the "Lives of the Saints." Chaucer knew it well, and refers constantly to one and another of its "Lives," and his graceful legend of St. Cecilia is taken directly therefrom.

The seventh volume of this reprint contains an index by which any name in the series can easily be referred to.

## NOTES.

---

THE death of Queen Victoria has been the great event since our January number went to press. Thus with the end of the century comes the end of the Victorian Era. The death of the Queen marks an epoch in literary history, because her reign was coincident with the last two-thirds of a century that in its laws, its modes of life, its scientific spirit, its habits of thought, and above all in its literary expression, moved definitely toward a fuller and richer humanity. Such a literary movement has transcended national and race boundaries and become a world movement, in which—not a little due to the beneficent influence of the woman's sway—the English speaking and writing peoples have contributed a distinct part.

---

With the new year Prof. Brander Matthews has consented to the appearance, either in new or original form, of a number of literary essays and criticisms. Two volumes, "The Philosophy of the Short Story" and "Notes on Speech-Making," are dainty booklets of less than one hundred pages, bearing the imprint of the Messrs. Longmans, Green & Co., and dedicated to his friends and colleagues, Profs. Harry Thurston Peck and W. P. Trent, respectively. Two larger volumes of more than three hundred pages each, "The Historical Novel and Other Essays" and "French Dramatists of the Nineteenth Century," respectively dedicated to Mark Twain and Mr. Stedman, are published by the Messrs. Charles Scribner's Sons.

No one in America quite possesses the charm of Mr. Matthews's style in essay-writing, and we read with increasing delight, even where we do not always give our assent to every proposition. The spirit of the short story and the essence of speech-making could not well be conceived of more genially than in these booklets, and we feel here is one talking



who has successfully practiced both. Novel and drama—those never ending studies and representations of life—constitute the leading themes of the larger volumes, and Mr. Matthews's objections to the "Historical Novel" and attitude in "Romance against Romanticism" spring from what he believes is their aloofness from life. Dull Mr. Matthews never is; readable and suggestive and inciting always; full of a true humanness and culture, lit up continually by gleams and touches of genuine spirit. And we suspect that in many of the opinions expressed Mr. Matthews himself would be the last to arrogate finality. Dogmatizing is just what he does not believe in, but he writes genially, humorously, and firmly enough, for he can at any moment be emphatic.

Where Mr. Matthews is not only interesting and delightful, but easy master of his field, is in his essays on the French Dramatists. This is a subject that has for many years been his own, and to find a fresh edition (the third) enlarged with a chapter bringing the subject matter to the end of the century just closed is a welcome New Year's gift, for which we thank both author and publishers. More than one of Mr. Matthews's friends have looked to him for the definitive work on Molière; he possesses both the training and just the qualities for this great undertaking on the greatest of all French dramatists. That the drama has become such an interesting subject with American readers to-day is not a little due to his stimulating teaching and writing. American essay literature is the richer for the addition of these books to the companion volumes already from Mr. Matthews's pen.

---

The four hundredth anniversary of Chaucer's death has called forth many tributes to the father of English song. Foremost among these must be mentioned the modest-appearing but essentially scholarly "Chaucer: Prologue, Knightes Tale, Nonnes Preestes Tale" (the Macmillan Company, 1901), edited by Mark H. Liddell, sometime Professor in the University of Texas. We have already many editions of these selections from Chaucer; but here at last is a truly critical one, giving us the necessary scientific appa-

ratus, treating sounds, inflections, syntax, and versification, for a Middle English Grammar based on Chaucerian forms. For a rapid reading of Chaucer other editions may be found serving the purpose admirably; but for a critical examination of Chaucer's language in compact form, giving the historical development and bearing of each essential point, Prof. Liddell's edition will at once take unquestioned rank. The compactness, accuracy, clearness, and completeness of the little book command admiration.

---

The Macmillan Company has done another genuine service in presenting, as one of its Pocket English Classics, in a cheap form (25 cents) a neat booklet: "Selections from the Southern Poets" edited by William Lander Weber, Professor in Emory College, Georgia. The range of selection is sufficiently wide and representative to give a clear impression of the variety and depth of the song voices in the Southern portion of our country. The representation of names—twenty-five—is necessarily wider than the variety of specimens permitted in a limited space, and we may miss one or two we should have liked to see. Poe has ten; Timrod, five; Hayne, seven; Irwin Russell, one; Lanier, only three selections. To give the five principal names first in order, or in number of pages, Poe has thirty-three; Timrod, sixteen; Hayne, fifteen; Irwin Russell, fourteen; Lanier, twelve. These five make up nearly one-half the volume, though one-fifth of the number represented. All living writers of verse are excluded. It is a book well worth the doing and well worth the having.

---

The new century is given to recapitulations of the progress of the old in all departments of work and thought, and most of our leading periodicals have devoted special issues to this. One which may have escaped the attention which it deserves is "A Century of Southern Farming" by J. B. McBryde in the "Twentieth Century Issue" (January) of the *Southern Planter* (Richmond). It is a carefully compiled sum-

mary based upon much independent reading, and is well worth elaborating, as is intended, into suitable and permanent book form.

---

Two additional biographies have appeared in the well-known Beacon series (Boston: Small, Maynard & Co.), "Thomas Jefferson," by Thomas E. Watson is possibly disappointing, just because we were expecting more eloquence and even pyrotechnics. This may come from the fact that Mr. Watson in treating his subject is not altogether sure of himself, and had recourse to authorities like Mr. Henry Adams's "History," notable enough, but markedly unsympathetic toward Jefferson. The result is a narrative less independent than expected after the author's able "French Revolution." Where Alexander Hamilton is mentioned, Mr. Watson does not trouble with authorities and has given us his entirely frank impressions, and while one-sided, they are scarcely, however, more so than many extreme representations of Jefferson which may be found in hostile political schools.

The value of Mr. Owen Wister's "Ulysses S. Grant" lies in this that it is an effort to visualize the great Westerner as *man* and not as *hero*. This is heartily to be commended, and thereby in the end Gen. Grant's real strength and greatness as a typical American product will appear all the more clearly.

---

The second and revised edition of Dr. J. P. Gordy's "History of Political Parties in the United States" (Holt & Company, 1900) is practically a new production. Of the four volumes in which the work will appear, only the first has as yet been published. It brings the narrative down to Jefferson's embargo policy. Dr. Gordy has reconstructed his work in accordance with the theory that "the political philosophy of Alexander Hamilton was held by a small minority of the Federalists, who determined the policy of the country up to the election of John Adams; that this philos-

ophy, or rather the measures growing out of it, led to the overthrow of the party in 1800; and that there was little difference between the opinions of the majority of the Federalists at that time and those of the Republican leaders in 1815."

---

"Religion in Literature" and "Religion in Life," are the titles of the two addresses by the Rev. Stopford A. Brooke, delivered before the Scottish universities in 1899, and now published in a booklet by the Messrs. Thomas Y. Crowell and Co. No one is better prepared to discuss "Religion in Literature" than Mr. Brooke, and the address is virtually a review of the spiritual quality of the century's poetry, as the highest product of its literary art. It is an expression of the unity in the variety of utterance of our poets from Burns to Browning and even Swinburne, and the message is nobly felt and eloquently delivered. For a great literature and a great poetry, Mr. Brooke believes there is needed a noble religion and a correspondingly great social conception of the duties of mankind.

---

Prof. Richard G. Moulton, of the University of Chicago, editor of "The Modern Reader's Bible" has just had published, through the Messrs. D. C. Heath & Co., "A Short Introduction to the Literature of the Bible." It is a distinct work from the same author's "Literary Study of the Bible," being addressed to the general reader rather than to the formal student. Perhaps more than any other of our scholars to-day Prof. Moulton stands for the literary study of the Bible as apart from either theology or criticism, and this is the subject of his introductory chapter. "The History of the People of Israel as told by Themselves in the Old Testament and of Christ and His Church as Recorded in the New Testament" constitutes the First Part. Then follows an analysis of the "Poetry and Prose in the Bible;" the "Wisdom Literature in both Testaments," the forms of lyric poetry, and Old and New Testament books of prophecy. Of the two appendices, one is particularly valuable, offering suggestions on

"Bible Readings Arranged to Accompany the Present Volume."

---

The Messrs. Houghton, Mifflin & Co., have issued "A Catalogue of Authors" whose works they publish, "prefaced by a sketch of the firm," in a stout volume of more than two hundred octavo pages. Inasmuch as these authors are largely and representatively American, the compact biographical data, together with the bibliographical details, make a volume, which, while intended primarily as a reference book, is a distinct contribution to our knowledge of American literature and, therefore, valuable for any library shelf.

---

At this Lenten and Easter season there is welcome from the Messrs. Longmans, Green & Co., a revised and enlarged edition of "The Book of Private Prayer" for use twice daily, prepared by a Committee of the Upper House of the Convocation of Canterbury. It makes a dainty volume of clear type and excellent paper comprising two hundred and thirty-seven pages. Apart from the religious significance these prayers, collected from a variety of sources on many subjects and for very different occasions, have distinct literary interest, and the note at the end, indicating the authors and the works whence derived, give a definite scholar's value to the booklet.

Interesting also as a comparison with the "Book of Common Prayer," as well as for practice in Spanish, is a copy received of the service (*Ofcios*) in Spanish as used provisionally in the Mexican Episcopal Church, published in Mexico, 1901.